

Gay man who was denied marriage license by Kim Davis is running for her job

Adam Beam, The Associated Press

David Ermold returned to the Rowan County courthouse Wednesday, nearly two years after Clerk Kim Davis refused to give him a marriage license because he was gay. Only this time, he did not want a license.

Illinois governor's race haunted by 2016 presidential primary
Natasha Korecki, Politico

An inevitable candidate. Accusations of a rigged primary.

Advocacy

Lobbyists push GOP in last-minute scramble to save tax breaks
Theodoric Meyer et al., Politico

Lobbyists have launched an all-out effort to save tax breaks and protect powerful industries as the Republicans' tax overhaul lurches toward President Donald Trump's desk. Builders and real estate interests are pushing to save the mortgage interest deduction.

Outdoors industry groups ratchet up Trump criticism
Devin Henry, The Hill

President Trump's decision this week to shrink two national monuments escalated a fight between the outdoors industry and his administration. Retailers such as Patagonia and REI slammed Trump's decision, equating it to theft, while lining up to challenge its legality.

Inside Oracle's cloak-and-dagger political war with Google
Tony Romm, Recode

The story that appeared in Quartz this November seemed shocking enough on its own: Google had quietly tracked the location of its Android

users, even those who had turned off such monitoring on their smartphones. But missing from the news site's report was another eyebrow-raising detail: Some of its evidence, while accurate, appears to have been furnished by one of Google's fiercest foes: Oracle.

A Message from the Electronic Payments Coalition:

A new EPC report analyzes how countries that adopt EMV experience lower counterfeit card fraud rates. It's time for a dynamic data security strategy to protect consumers like you. [Learn more](#) from EPC.

Opinions, Editorials and Perspectives

I Believe Franken's Accusers Because He Groped Me, Too **Tina Dupuy, The Atlantic**

In mid-November, a Los Angeles radio host named Leeann Tweeden stepped forward to claim that Senator Al Franken had shoved his tongue down her throat under the pretext of a rehearsal for a sketch he'd written. The coup de grace was a photograph of a sleeping Tweeden and the now-senator pretending to grab her boobs for the camera.

Trump, Israel and the Art of the Giveaway **Thomas L. Friedman, The New York Times**

I'm contemplating writing a book on the first year of President Trump's foreign policy, and I already know the name: "The Art of the Giveaway." In nearly 30 years of covering United States foreign policy, I've never seen a president give up so much to so many for so little, starting with China and Israel.

Why Donald Trump Would Regret Firing Robert Mueller **Karl Rove, The Wall Street Journal**

They came like rapid-fire rifle shots. On Friday, former national security adviser Mike Flynn copped a deal, pleading guilty to making false statements to the FBI and promising to cooperate with Special Counsel Robert Mueller in return for avoiding more-serious charges.

A Message from the Electronic Payments Coalition:

NEW REPORT: EMV adoption is critical to reduce counterfeit fraud in the U.S. Learn how EPC members are developing and implementing new technologies to make your life more secure.

Research Reports and Polling

The 2017 Annual Homeless Assessment Report (AHAR) to Congress **The Department of Housing and Urban Development**

The Department of Housing and Urban Development (HUD) releases the Annual Homeless Assessment Report to Congress (AHAR) in two parts. Part 1 provides Point-in-Time (PIT) estimates, offering a snapshot of homelessness-both sheltered and unsheltered- on a single night.



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Attached is a good [Townhall](#) article from a conservative (former law school Federalist Society chair) on why it makes sense to consider the National Popular Vote Compact.

As a former member of the California legislature and former National Chairman of ALEC, I've had an opportunity to discuss this issue with many of you. I just wanted to share this article for your consideration. Please feel free to email or call me with any comments and questions you may have. Thank you for your time and consideration.

Surprisingly, Republicans and Conservatives Shouldn't Fear a National Popular Vote

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By Rachel Alexander
Townhall

December 11, 2017

Republicans are hesitant to switch from our winner-take-all state laws allocating electors to the electoral college to using the National Popular Vote. The National Popular Vote Plan would award all of a state's electors to the candidate who wins the most popular votes in all 50 states. There is a fear that such a move will benefit Democrats, since

Democrats won the popular vote even though they lost the elections in 2000 and 2016. But the truth is, Republicans are likely going to lose their ability to win the necessary swing state of Florida in the future, and they can win the popular vote by campaigning differently.

The demographics of Florida are changing. More and more illegal immigrants are entering the country. Additionally, Puerto Ricans are flooding the country due to economic chaos and humanitarian crisis following Hurricane Maria at home. When they enter the U.S., because they are American citizens they can vote, and they vote overwhelmingly Democrat. Hillary Clinton had an almost three-to-one edge among Puerto Ricans in Florida last year. Both illegal immigrants and legal Puerto Ricans are counted in the census which is used for determining how many congressional seats and electoral votes Florida receives. This will soon result in an increase in Florida's electoral votes, which will lean more Democratic as increasing numbers of Puerto Ricans vote (this doesn't even take into consideration possible illegal immigrant voter fraud).

It is true that Democrats Al Gore and Hillary Clinton won the popular vote but lost the election. But those weren't true popular vote elections. The Republican candidates they lost to put all their efforts into a handful of swing states, and did a better job campaigning there than the Democrats. In contrast, Clinton's campaign unwisely campaigned in non-swing states such as Arizona, while ignoring the swing state of Wisconsin. If there was a true popular vote election, the Republican candidates would run a completely different type of campaign, likely focusing on mobilizing their base in rural areas and red states. Regardless, Republicans still won the popular vote in 2004.

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A presidential election using the National Popular Vote is not a radical proposal. Critics contend there would need to be a constitutional convention to amend the Constitution in order to change the state-based, winner-take-all rule that most states use to send their electors to the electoral college. This isn't necessary. The electoral college can remain. All the Constitution says about electing the president is in Article II, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...." In order to change the system, individual states would merely need to revise state law to send their electors based on the National Popular Vote for the presidential

candidates instead of winner-take-all. Currently, all states but two, Maine and Nebraska, have winner-take-all systems to send their electors to the electoral college.

Critics also claim that using the National Popular Vote in presidential elections would favor big cities over rural areas. This isn't correct. Only one-sixth of Americans live in the 100 biggest cities. In contrast, in the current unfair winner-take-all system, only a handful of states decide presidential elections, the swing states. The 10 most rural states aren't included, nor are 12 of the 13 smallest states. The winner-take-all system does not represent the vast majority of Americans. By the time voting results come in from key swing states, many voters on the West coast don't bother voting because their votes essentially don't count. This hurts minor candidates on the ballot in those states.

Under the current system, presidents shower pork on the swing states in order to get their votes. During the 2004 election, President Bush advocated for and got a trillion dollar expansion of Medicare in order to entice votes from the large population of senior citizens in Florida. Presidents take steps to help the coal industry in order to influence Pennsylvania, and the ethanol industry to help Iowa. Battleground states are twice as likely to receive exemptions from No Child Left Behind as fly-over states and twice as likely to have natural disasters declared.

There is another criticism that a rogue state secretary of state could frustrate the National Popular Vote Compact by refusing to certify the results. This is invalid, since plenty of federal and state laws prohibit that elected official from doing so.

Voter fraud will become more difficult under a National Popular Vote, because crooked party operatives will no longer be able to focus their efforts on just a handful of states, and the windfall of electoral votes for their illicit efforts will be smaller. For the same reason, it also reduces the possibility of recounts.

What did the Founding Fathers prefer? Not winner-take-all. The Founders debated various methods of the electoral college and almost adopted the proportional system at the Constitutional Convention. They never debated a winner-take-all system. As the states began to adopt winner-take-all, in order to ensure that their favorite sons like Thomas

Jefferson won, Missouri Senator Thomas Hart Benton warned in an 1824 Senate speech, "The general ticket system [winner-take-all], now existing in 10 States was ... not [the offspring] of any disposition to give fair play to the will of the people. It was adopted by the leading men of those states, to enable them to consolidate the vote of the State."

There are a significant number of prominent conservatives who understand what is taking place demographically so they support direct presidential elections. They include former congressmen Tom Tancredo (R-CO), Bob Barr (R-GA), former House Speaker Newt Gingrich (R-GA) and eight former national chairs of the conservative American Legislative Exchange Council.

So far, 11 states have passed laws implementing the National Popular Vote Compact, and it has passed in at least one chamber of 12 other state legislatures, four of which are red states. It will go into effect when enough states have passed it to total 270 electoral votes. When polled (by a left-leaning polling company), 74 percent of Americans support direct presidential elections. This breaks down to 75 percent among Republicans and 78 percent among Democrats. The left naively thinks direct presidential elections will benefit Democrats, assuming that large urban areas will decide elections. This bipartisan support means there is a good chance it will happen.

The purpose of the National Popular Vote bill is to make every voter in every state politically relevant in every presidential election. This is the only way to right size the political influence of battleground states. Clinging to the winner-take-all system is a losing strategy for Republicans. Under that system, they will likely lose Florida by 2020 or 2024 due to demographical changes. It is better to take our chances with a direct presidential election than suffer certain defeat with the unfair, outdated, flawed current system that can and should be reformed.

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From: American Bail Coalition
Sent: Friday, December 15, 2017 3:24 PM
To: Rep88
CC: jclayton@americanbail.org
Subject: Buckeye Institute needs to go back to the drawing board on Bail Reform

 American Bail Coalition

Dear Representative Reineke,

As government stewards, elected officials, and stakeholders in the safety of the citizens of Ohio, I write to you today concerning the ongoing misinformation regarding bail reform.

You may have recently been given a copy of a report from the Buckeye Institute, entitled **"Money Bail" Making Ohio A More Dangerous Place to Live**. This report contains so many errors and incomplete information that, frankly, it should be discarded. Yet, we wanted to take an opportunity to counter some of the claims made in the report and set the bail reform debate into the proper context.

First, "money bail" is not making Ohio a more dangerous place to live. The bail system in Ohio is essentially the same one being run since statehood. The right to bail is enshrined in the Ohio constitution, and Judges have discretion to set the "type, amount, and conditions" of bail. This is also why 69% of judges in a recent National Judicial College Survey did not agree with the elimination of money bail from the system.

Second, what does the Buckeye Institute's new bail utopia cost? New Jersey's program, given as an example, will run out of money on July 1, 2018 unless the legislature completely overhauls the funding of that program. The costs to implement such a program were in excess of \$1 billion in California. Added to that, not only are there not savings, as both Administrative Judge Glenn Grant in New Jersey and the California Chief Justice concur, the costs of shifting away from monetary bail to risk assessments and supervision will largely not materialize and the cost the State and Counties millions of dollars.

Third, the litany of examples cited by the report as horrifying cases where someone was able to post bail begs the question as to what the Buckeye

Institute would do with such cases. Yet, the Ohio Constitution already covers this, giving the power to prosecutors to prove the danger or risk of flight and deny bail. The report suggests that somehow a risk assessment will fix the problem, yet the results of the assessment do not relieve a prosecutor of having to put up the proof necessary to achieve the result.

The report argues that several jurisdictions are seeing tremendous results due to bail reform, but this relies on the results generated by a private foundation that provides a free proprietary risk assessment tool and does its own evaluation of the results. It should come as no surprise that they think it works. **Instead, in sworn testimony, a national expert testified in federal court that the Lucas County, Ohio program has very high failure rates, including 47% of high risk cases. As a result of that testimony, the attorneys in the case concluded that Lucas County, Ohio had created a culture of "non-accountability" in its bail system.**

In San Francisco, the report issued there found that 27% of defendants did not show up under the risk assessment model. In New Jersey, the state has failed to release any numbers, and the report's citation to crime figures does not prove that bail reform has anything to do with that since New Jersey's prison population has declined every year for 15 years - and the population had been declining by double digits leading up to bail reform. Of course, New Jersey's algorithm is releasing prior felons in possession of firearms, counting them as low risk, similar to what is going on in New Mexico.

Risk assessments are indeed not a magic bullet, and there have been serious criticisms lodged against them which the Buckeye Institute report completely ignores. Researchers at New York University concluded: **"The use of such systems by public agencies raises serious due process concerns, and at a minimum they should be available for public auditing, testing, and review, and subject to accountability standards."** Former US Attorney General Eric Holder has also cautioned jurisdictions who using risk assessments saying they "may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and in our society." Several additional recent studies and experts have called into question the race and gender neutrality of such algorithms, and the jury is certainly still out on that question. Indeed the utter lack of transparency of such algorithms is of serious concern.

The Buckeye Institute decides to then demean the bail industry for helping persons exercise their right to bail in Ohio and provide accountability to the Courts. The report cites no statistics on the effectiveness of surety bail in Ohio. That's not to say that adjustments cannot be made, but national data as well as data in Ohio back up the fact that private bail is effective and efficient because it is typically a third-party benefit provided to the State and a defendant at no cost to the State.

Sadly, the Buckeye Institute has sunk to the level of citing newspaper articles as some proof of the key points it makes. It does such surface-level analysis that clearly the conclusion informed the selection of the "research" that is cited. For example, the fact that 57% of persons in jail are awaiting trial tells us nothing—how many of those persons are on a non-monetary hold? Or, what is their prior criminal history, and what would the risk assessment say about them based thereon? How many are there because their attorneys are advising them to take a time-served deal?

The Buckeye Institute needs to go back to the drawing board with its assessment of bail reform. Moving away from "money bail" has not proven to deliver on its promises. While adjustments to the system can always be made, putting our blind faith in "black-box" algorithms to fix the problem is not only unproven, it is simply naïve.

Sincerely,

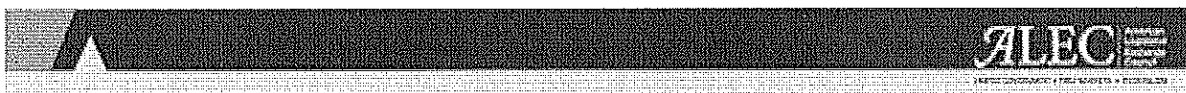
Jeff Clayton
Executive Director
American Bail Coalition
(877) 958-6628

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Sent: Tuesday, December 19, 2017 1:18 PM
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Subject: Your Center to Protect Free Speech Updates

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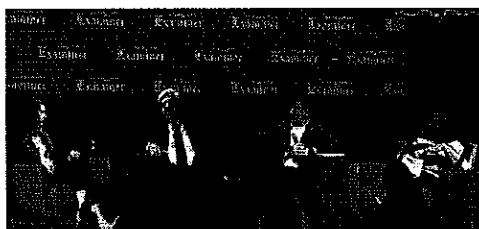


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Center in Action

Center Director Shelby Emmett Panelist at Washington Examiner's Campus Speech Event

Dan Moran | ALEC Center to Protect Free Speech

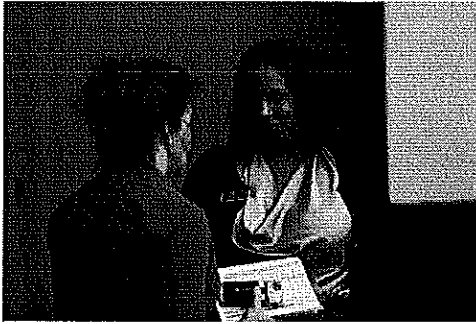


Center to Protect Free Speech Director Shelby Emmett joined Dennis Prager, Marcus Fotenos of Turning Point USA and Red Alert Politics Editor Lauren Cooley on a panel discussing the challenges to free speech on campus. The discussion was lively and the questions from the audience were great. See the [ALEC article](#) about the event, the [Washington Examiner's article](#), and the [video](#) of the panel.

Free Speech At SNPS

Free Speech a Major Topic at States and Nation Policy Summit

Daniel Turner, Mike Slabinski | American Legislative Exchange Council



Free speech was a major theme throughout this year's ALEC States and Nation Policy Summit, so the Center to Protect Free Speech was very busy. The Center was hard at work to present opportunities for attendees to gain knowledge through a donor privacy workshop, a campus speech and academic freedom workshop, a commercial speech panel, and a legislative staff training session.

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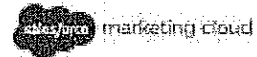


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From: American Bail Coalition
Sent: Tuesday, December 19, 2017 9:35 PM
To: Rep88
CC: jclayton@americanbail.org
Subject: Buckeye Institute needs to go back to the drawing board on Bail Reform

 Outlook

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Sincerely,

Jeff Clayton
Executive Director
American Bail Coalition
(877) 958-6628

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Ohio attorney general not joining legal fight over net neutrality (Associated Press, 12/20/2017)

'Right to work' in Ohio? Becker wants voters to choose (Cincinnati Enquirer, 12/20/2017)

Your tax bill savings might not be as big as advertised. The economic development benefits might not be, either (Cleveland Plain Dealer, 12/20/2017)

New Whaley ad praises work, promises jobs (Columbus Dispatch, 12/20/2017)

Report suggests state agency already has violated new contracting policy (Columbus Dispatch, 12/20/2017)

Stivers announces net neutrality bill (Columbus Dispatch, 12/20/2017)

Tax revision almost law; one more vote left (Columbus Dispatch, 12/20/2017)

Lehner's bill aims to change Ohio teacher evaluation system (Dayton Daily News, 12/20/2017)

Report: Ohio cities facing fiscal stress despite improving economy (Dayton Daily News, 12/20/2017)

Senate passes GOP tax bill; House to revote Wednesday (Dayton Daily News, 12/20/2017)

EDITORIALS

Editorial: 2012 effort a dog of a law (Columbus Dispatch, 12/20/2017)

Editorial: Truth and news under assault (Columbus Dispatch, 12/20/2017)

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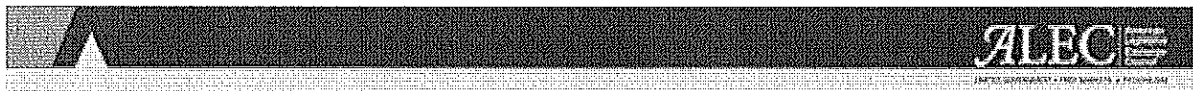
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Subject: CEO Update: 2017, The Year of Free Market Policy

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Dear Members,

Without a doubt, 2017 has been a great year for free market policy and for ALEC. Fiscally responsible, free market victories across the states will continue to grow a healthy economy and protect hardworking taxpayers. From right to work in Kentucky and Missouri to pension reform in Pennsylvania, ALEC members are paving the way for more freedom and prosperity in the 50 states. By engaging ALEC alumni in congress with a clear federalism message, ALEC members raised their voice in favor of eliminating the State and Local Tax Deduction and joined the advisory council of the House Bipartisan Task Force on Intergovernmental Affairs to advance the roll of states in national policy.

Under the leadership of 2017 chairman Indiana Senator Jim Buck, ALEC welcomed record numbers of participants to both the Denver Annual Meeting and the States and Nation Policy Summit held two weeks ago in Nashville. Over the year, we hosted state legislators with innovative policy solutions; cabinet secretaries, governors and members of congress and leaders in media, business and research. At nine academies, legislators focused in on issues including fiscal policy, healthcare and energy innovation, and education funding. And, this ALEC policy leadership drove more interest and participation in our exchange. This year we welcomed 315 new legislators and 36 new private sector

members.

ALEC has winning ideas because they come from you. In 2017, the Homeland Security working group became a task force and members started a rural caucus with the intention of growing it into a major ALEC program. With 2018 and the mid-term election on the horizon, look to ALEC for innovative policy solutions and partnership with leading researchers and industry experts.

On January 1, 2018, ALEC will begin its 45th Anniversary Celebration with new leadership from 2018 chairman North Carolina Representative Jason Saine. As you read this, think back on how ALEC has made an impact on you personally. What can you do to help commemorate ALEC in your state or to help grow the organization, so it remains strong for generations to come.

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Please share this message with your friends. We want more legislator and private sector partners to contribute to and benefit from the robust exchange at ALEC. Linked below are highlights from the year to help you tell your ALEC story.

Happy holidays and here's to a great 2018.

Sincerely,

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Lisa B. Nelson

Chief Executive Officer

American Legislative Exchange Council

ALEC Year in Review Slideshow



2017 has been a great year for ALEC and its members. Take a look back through this slideshow and celebrate another year of limited government, free markets and federalism.

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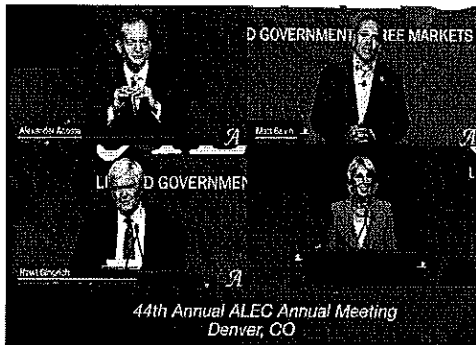
Speakers From the States and Nation Policy Summit



Speakers at the States and Nation Policy Summit included: Governor Bill Haslam, Honorable Ken Cuccinelli, Dr. Arthur Laffer, Stephen Moore, Steve Forbes, Larry Kudlow, Allie Stuckey, Senator Dr. Mark Green, Congresswoman Diane Black, Senator Wayne Niederhauser, Dr. Trent Kaufman, Matt Shaulis, Councilwoman Ellen Troxclair, Representative Jason Saine and ALEC Chief Economist Jonathan Williams.

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Speakers from the 44th ALEC Annual Meeting



Speakers from the 44th ALEC Annual Meeting included: Secretary Betsy Devos, Secretary Alexander Acosta, Governor Matt Bevin, Newt Gingrich, Pete Coors, Darcy Olson and Guy Benson.

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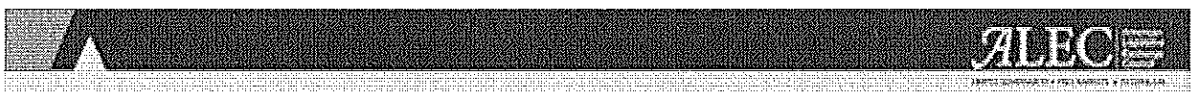
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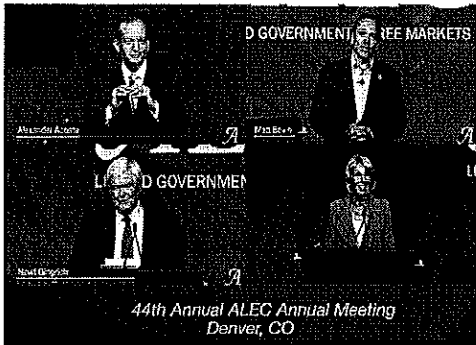
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OHIO REPORT THURSDAY, DECEMBER 21

**Speaker Tasks Universities With Engaging High Schoolers Impacted By
Opiate Epidemic**

Right-To-Work, Prevailing Wage Proposals Unveiled In House

**Children Services Agencies See Growing Burden From Drug Crisis;
Overdose Deaths Tallied**

House Republican Announces Plan To Crack Down Drug Dealers

'Significant Update' On Belmont County Ethane Cracker Slated For 2018

Federal Judge Dismisses Property Owners' Lawsuit Against Nexus Pipeline

Groups Highlight Economic Impacts Of 'Dreamers' In Push To Restore DACA

High Court Green Lights Tax Board To Take Up \$500K NASCAR Appeal

Poll Finds Democrats With Big Lead In Generic Congressional Ballots; Bacon Touts Fundraising; Scott Officially Enters District 12 Race...

ACTIVITY REPORTS

House

Senate

CALENDARS

Day Planner

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House Activity for Thursday, December 21, 2017

INTRODUCED

HJR 7 ■ **UNION MEMBERSHIP** (Becker, J., Riedel, C.) Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.

Gongwer Coverage

HJR 8 ■ **UNION MEMBERSHIP** (Becker, J., Riedel, C.) Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.

Gongwer Coverage

HJR 9 ■ **PREVAILING WAGE** (Becker, J., Riedel, C.) Proposing to enact Section 43 of Article II of the Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.

Gongwer Coverage

HJR 10 ■ **PROJECT LABOR AGREEMENTS** (Becker, J., Riedel, C.) Proposing to enact Section 2 of Article XV of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.

Gongwer Coverage

HJR 11 ■ **COLLECTIVE BARGAINING** (Becker, J., Riedel, C.) Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.


Gongwer Coverage

HJR 12 ■ **UNION DUES** (Becker, J., Riedel, C.) Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to prohibit dues and other fees payable to an employee organization from being deducted from the payroll check of a public employee and to prohibit those dues and fees from being used for political purposes unless authorized by the public employee.
Gongwer Coverage

HB 454 ■ **CEMETERY LOTS** (Patterson, J., Arndt, S.) To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. Am. 517.073

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Senate Activity for Thursday, December 21, 2017

INTRODUCED

SB 246

STUDENT REMOVAL (Lehner, P., Manning, G.) To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation. Am. 3302.03, 3313.534, 3313.66, 3313.661, 3313.668, and 3319.46 and to enact section 3319.237

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Daily Activity Planner for Friday, December 22

Legislative Committees

No legislative committees scheduled.

Agency Calendar

No agency meetings scheduled.

Event Planner

No events scheduled.

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Volume #86, Report #245 -- Thursday, December 21, 2017

Speaker Tasks Universities With Engaging High Schoolers Impacted By Opiate Epidemic

University presidents are coming together to devise strategies for reaching out to youth impacted by the opiate epidemic.

They're doing so at the request of Speaker Cliff Rosenberger (R-Clarksville), who said he was recently inspired by a group of Waverly City Schools students impacted by addiction.

Many students in that district live with someone other than their parents and lack access to role models who can highlight life skills and opportunities to grow, he said in a recent column.



Speaker Rosenberger

Speaker Rosenberger said he believes universities can serve as the sources of those mentors.

"It's our communities who are going to help us in the drug epidemic, so how can we get college students to be those big brothers and sisters and give them some credit maybe for service-oriented things," he told reporters last week.

Another facet of his charge to universities is to consider how at-risk high school students can volunteer to earn credits toward college tuition, he said.

"Maybe they earn some credit or some dollars toward college credit so that they can have some ability to go out and do something," Speaker Rosenberger said.

Because reaching out to underserved populations dealing with the opiate crisis will be a priority for the legislature in 2018, he said he's eyeing legislation that would implement such mentorship and volunteer programs statewide. (See Gongwer Ohio Report, December 15, 2017)

University presidents began brainstorming immediately after meeting with the speaker earlier this month and will come back together in January to decide which ideas should be proposed, said Bruce Johnson, president of the Inter-University Council of Ohio.

Institutions have an essential role in the state's ongoing fight against opioids, he said, pointing to research that shows Ohioans with college degrees are 14 times less likely to die of overdoses than those who have only high school diplomas.

"One of the fundamental ways to attack opiate abuse in the state is to have a higher percentage of people in the state obtain a higher education," Mr. Johnson said.

"Students, particularly in hard-to-reach areas of the state, having mentors would help them manage their way through the difficulties and find their way to a public university," he added.

In areas of the state where the opiate epidemic has hit hardest, encouraging students to want to go to college is key because they often don't see higher education as a potential pathway, Mr. Johnson said.

"I think the thing that's really going to give students hope is a pathway which involves access to higher education," he said.

For that reason, it's possible the forthcoming plan will propose financial assistance for high school students who participate in a mentorship program and can show perseverance, Mr. Johnson said.

"Earning your way toward a college scholarship would be a great use of the state's resources," he said.

Any legislative proposals that come from the president's recommendations would be in addition to what universities are already doing on the opiate front, he said. Each university has undertaken initiatives to address the issue.

At Ohio University, low-income patients with substance abuse issues can receive free or low-cost treatment and drug dependent mothers-to-be are eligible for access to medication-assisted treatment programs, obstetrical care, social service benefits and other services. Similar services are provided at other university hospitals throughout the state.

Meanwhile, University of Akron is looking to help students who may be dealing with addiction by working with community agencies to develop supports and programming.

In the research realm, the University of Cincinnati recently received a \$1.5 million Third Frontier grant aimed at the epidemic. That total is in addition to \$32 million in research funding that's been awarded to the university to be put toward the cause.

Other universities are offering up their own dollars in an effort to find innovative solutions to the state's drug problem. The new Opioid Innovation Fund at Ohio State University will provide \$1 million in grants to public-private partnerships that develop programs or technologies to reduce the burden of the opiate crisis.

Right-To-Work, Prevailing Wage Proposals Unveiled In House

A slate of ballot proposals targeting labor laws was introduced Thursday in the House, drawing immediate pushback from one of the state's largest union groups.

The six joint resolutions from Rep. John Becker (R-Union Twp.) and Rep. Craig Riedel (R-Defiance) would ban mandatory union dues for both public and private employees, limit prevailing wage and make other changes guaranteed to spark protests among Ohio's unions.

If passed by lawmakers, the issues would be placed on the 2020 ballot for voters to weigh in, according to Rep. Becker. He said he chose the resolution route after his prior legislative efforts went nowhere.

"It has to do with making Ohio more competitive," Rep. Becker said in an interview. "Currently, Ohio is being left behind. Four out of five of Ohio's neighboring states are right to work. With 28 (right-to-work) states in the union, the trend is clearly in that direction."

Two of the resolutions (HJR 7 & HJR 8) would ban any laws, rules or agreements requiring public and private sector employees to join or pay union dues. They would also prohibit unions from representing non-members in employment-related matters.

Other resolutions would:

- Prevent a public authority from requiring a contractor on a public improvement project to pay workers the prevailing rate of wages (HJR 9).
- Forbid certain requirements or prohibitions regarding labor agreements in government contracts (HJR 10).
- Subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative (HJR 11).
- Prohibit dues and other fees from being deducted from the payroll check of a public employee and prohibit those fees from being used for political purposes unless authorized by the employee (HJR 12).

Along with Messrs. Becker and Riedel, nine other representatives have signed on as cosponsors of one or more of the resolutions.

Rep. Becker said Republican leaders, House Speaker candidates and Republican gubernatorial candidates have all told him the same thing: If Ohio is to become a right-to-work state, it needs to be a decision driven by voters.

"They've all got this one consistent theme: the voters have to decide," Rep. Becker said. "I'm taking them at their word and saying fine, let's move forward with that. That's what these resolutions would do. They go on the ballot for people to decide."

Brad Miller, a spokesman for House Speaker Cliff Rosenberger (R-Clarksville), said the speaker will review the proposals.

"The issue of right-to-work has been brought forward numerous times in recent years, and it always generates an important and interesting discussion amongst the caucus," Mr. Miller said. "Since Rep. Becker's resolution was introduced just today, Speaker Rosenberger will review the legislation and will seek input from caucus members before any potential future actions are determined."

Tim Burga, president of the Ohio AFL-CIO, said that neither employers nor employees in Ohio are seeking these changes.

"These proposals are a frontal assault on workers," Mr. Burga said. "It does three things: It takes away rights at work, it drives down wages, and it strips workers of their political beliefs. It's really policies that attack the foundation of what's been a catalyst to create Ohio's working class."

Ohio House Democrats will likewise fight the proposals should they gain traction, with Minority Leader Fred Strahorn (D-Dayton) calling them "dangerous, divisive bills."

"Taxpayers expect us to work together to increase opportunity and create jobs with wages and benefits that can sustain a family," Rep. Strahorn said. "These anti-worker, anti-family restrictions will do the exact opposite."

Opponents point to the public's rejection of 2011's Senate Bill 5 - in which voters voted 62-38% to repeal a law that limited collective bargaining for public employees - as evidence that Ohioans don't support such a move. (See Gongwer Ohio Report, November 8, 2011)

For that reason, Gov. John Kasich, commenting on prior right-to-work legislation from Rep. Becker and others, has said right-to-work is "not on my agenda."

But Rep. Becker contends that SB5 (129th General Assembly) wasn't truly a right-to-work bill was but more focused on strikes, benefits and union negotiations. In his view, voters haven't weighed in on the issue since 1958 when voters by a 63-36% margin rejected a right-to-work amendment.

Rep. Becker said he approached Rep. Ryan Smith (R-Bidwell) and Rep. Larry Householder (R-Glenford) about supporting the resolutions but neither has signed on at this point as a cosponsor. Both men are vying to succeed Rep. Rosenberger as speaker.

But the sponsor said he believes the measures would have support in the caucus.

"In conversations with plenty of other colleagues beyond those nine (cosponsors) it's a whole lot of, 'We don't want to go on record with it' or 'we want to see which direction it goes,'" Rep. Becker said. "They just don't want to be in front of it right out of the gate. There's a lot of support, it's just not necessarily public."

Mr. Burga, though, said the proposals are a "political assault authored by out-of-state interests."

"It's never a good time to introduce bad policy but again this is an extreme measure without a constituency," Mr. Burga said. "I would say Ohioans deserve better than this. Just like on Senate Bill 5, we will fight these proposals and encourage legislators to work together to find common ground to create jobs and raise wages."

Children Services Agencies See Growing Burden From Drug Crisis; Overdose Deaths Tallied

The opiate epidemic continues to put a strain on Ohio's foster care system, with a thousand more kids expected to spend the holidays in foster care this year compared to 2016, a report released Thursday found.

The Public Children Services Association of Ohio said the drug problem is driving a dramatic surge in demand for foster care, with the number of children in agency custody rising from 12,654 in July 2013 to 15,145 last July.

At this rate, the state would reach 20,000 kids in care by 2020, with the cost of placing them in foster homes and residential facilities rising to more than \$500 million per year.

"We are sounding the alarm now - we need help," PCSAO Executive Director Angela Sausser said in a statement. "We need substantially more state resources before we lose the ability to provide essential services to vulnerable children."

The data indicate increasing rates of growth in the number of children in care, with the total rising from 15,145 on July 1 to more than 15,500 on Oct. 1.

The association pointed to some help it received from the legislature in the budget bill (HB 49), an additional \$15 million. Yet foster care placement costs have increased by about \$45 million since last year, not counting staffing or other agency services, the group said.

"Ohio needs a long-term solution to this crisis - and leadership to get us there before agency budgets collapse and our workforce jumps ship," Ms. Sausser said. "We already have a lack of available foster homes in Ohio. With the projected increases, we will have children sleeping in county agency lobbies with no available foster family to take them in."

Other state efforts include work by Attorney General Mike DeWine's office including a 14-county pilot project designed to help families affected by parental opioid abuse. (See Gongwer Ohio Report, March 24, 2017) Another effort by the AG's office provides more funding for children services agencies to boost the number of foster families available. (See Gongwer Ohio Report, December 20, 2017)

Ms. Sausser pointed to work in California, where that state is realigning services along a continuum of care.

The increase in placements, she said, doesn't include the number of children placed with relatives.

"Placing abused and neglected children with kin leads to better long-term outcomes and is far less costly to government, but it means that grandparents on fixed incomes and aunts with kids of their own must find a way to pay for food, clothes, child care and other expenses," she said. "The legislature stepped up again and provided \$15 million a year in federal funds to create child care assistance for kinship families. However, that program has been delayed."

Overdose Totals: In a related development, new data released by the federal government show Ohio with the second-highest rate of drug overdose deaths in the country at 39.1 per 100,000 in 2016.

The numbers released by the National Center for Health Statistics showed Ohio with 4,329 overdose deaths last year, up from the 4,050 reported by the Department of Health in August. (See Gongwer Ohio Report, August 30, 2017)

Ohio's overdose total was exceeded only by those of Pennsylvania, California and Florida.

In terms of the death rate, Ohio's 39.1 per 100,000 ranked behind only West Virginia, which had a rate of 52. New Hampshire was at 39.0, the District of Columbia at 38.8 and Pennsylvania at 37.9.

National totals showed a continued increase in deaths from heroin and other opioids, coupled with a dramatic surge in the number of deaths from synthetic opioids other than methadone. Those deaths totaled 3,105, or 1 per 100,000, in 2013, but rose to more than 19,000, or a rate of 6.2, in 2016.

House Republican Announces Plan To Crack Down Drug Dealers

Drug dealers in Ohio could face much stiffer penalties under a proposal unveiled Thursday.

Rep. Scott Wiggam (R-Wooster) announced plans to introduce legislation that would boost trafficking charges for all Schedule I and Schedule II substances, with the exception of marijuana, to a minimum third-degree felony that carries a mandatory prison term.



Scott Wiggam

"No longer will drug dealers be able to operate in this state with little fear for the law," Rep. Wiggam said during a Statehouse news conference.

While the lawmaker praised the state's effort to combat the drug epidemic, including \$180 million in the two-year budget (HB 49), he said deterrence and accountability are missing, and hopes his bill will provide those two components to the fight.

Over the past four years, he said, overdose deaths have skyrocketed by 212%, while traffickers going to prison fell by 4% over that same time period.

"Ohio's law is too weak to deter drug traffickers from continuing to flood our streets with their products," he said. "Law enforcement officers have grown weary and demoralized from arresting the same criminals for drug trafficking only to see them released into our society with little more than a slap on the wrist."

Wayne County Prosecutor Dan Lutz voiced that frustration. He said a trafficker in his county was recently arrested after knowingly selling heroin mixed with fentanyl that led to a user's overdose death. Among the charges his office brought was involuntary manslaughter, which was later amended to reckless homicide.

Nonetheless, Mr. Lutz said the judge in the case was not pleased with the man being charged for the death of the user and told defense counsel to seek a bench trial, which they did. The individual was eventually found guilty of a single drug trafficking charge.

"Amazingly, he sentenced him to only probation," Mr. Lutz said, adding the man went right back to selling heroin.

The bill will not differentiate between those who are trafficking large amounts of drugs for profit and those who are selling small amounts to support a habit. Mr. Lutz said both are killing people by selling deadly drugs.

"We want to deter that," he said. "We want to make it too costly to do that."

Despite the bill treating addicts and large-scale traffickers the same, Rep. Wiggam said it does not take away from changes in law in recent years that have sought to treat those two groups of individuals differently in the criminal justice system.

"If you are an addict and you are selling, you are still engaged in selling," he said.

As for the impact on the state's prison population, Rep. Wiggam said he is unsure exactly how his legislation will impact the numbers. He added that the Department of Rehabilitation and Correction has yet to take a position on the bill.

But Mr. Lutz said when discussing the state's prison population, the cost-benefit analysis does not take into account the cost savings from not having people on the streets "wreaking havoc."

"Some people need to be locked up in prisons, and these are those people," he said.

Asked about the philosophy of some in the law enforcement community, including Attorney General Mike DeWine, who has repeatedly said the state cannot "arrest its way out" of the drug problem, Mr. Lutz said that attitude needs to change.

"We've got to prevent people from getting on this stuff in the first place," he said.

Mike Brem, president of the Ohio Task Force Commanders Association, likened the battle against opioids to the fight against crack.

"We feel this penalty increase will deter drug traffickers as it did the same way with the crack epidemic in the 80's," he said.

The legislation, dubbed the "Drug Trafficking Deterrence Act," has 18 co-sponsors, according to Rep. Wiggam.

The bill also has the backing of the Ohio Prosecuting Attorneys Association, the Buckeye State Sheriffs' Association, the Ohio Association of Chiefs of Police and the OTFCA, Rep. Wiggam said.

'Significant Update' On Belmont County Ethane Cracker Slated For 2018

A Thai petrochemical company now says it will have news on whether it plans to move forward with a proposed world-class ethane cracker plant sometime after the new year.

PTT Global, Gov. John Kasich and JobsOhio leaders in 2015 announced at a Statehouse press conference that the company - Thailand's largest petrochemical and refining company - was eyeing Belmont County for the \$6 billion plant. (See Gongwer Ohio Report, April 22, 2015)

A final investment decision was initially expected in 2016 but was then pushed to 2017. Last February, the company announced it would postpone a final decision until late 2017 but with January drawing near the lack of recent news has kept locals hoping for an announcement in suspense. (See Gongwer Ohio Report, February 17, 2017)

On Thursday, the company foreshadowed a "significant update" sometime early next year.

"PTTGC America will have a significant update that will demonstrate momentum for this project early in 2018," the company said. "We thank all Ohio and Belmont County partners for their support, and we wish you a happy holiday season."

The last news of the project came in October, when JobsOhio and PTT representatives met in Washington D.C. to ink a memorandum of understanding. In the MOU, the parties agreed to establish a community infrastructure development plan after a final investment decision has been reached. (See Gongwer Ohio Report, October 6, 2017)

Asked about the project's status, JobsOhio spokesman Matt Englehart said talks are ongoing.

"While a final investment decision has not yet been made, PTTGCA continues to collaborate with JobsOhio and local partners while investing time and resources to move this project forward," he said.

JobsOhio and the Kasich administration have touted the potential project as a boon for region that will draw in jobs and economic revitalization.

The company had committed to a \$100 million investment as it considers the move and earlier this year purchased 168 acres from FirstEnergy for the site to the tune of \$13.8 million.

Despite that, the potential development of similar plants in nearby West Virginia and Pennsylvania subsequent to PTT's 2015 announcement has sparked speculation from those not involved in the talks regarding the Belmont County project's future.

Federal Judge Dismisses Property Owners' Lawsuit Against Nexus Pipeline

A federal district court judge has tossed out a lawsuit from dozens of Ohio property owners seeking to halt work on the Nexus Pipeline.

But it's hardly the only lawsuit targeting the construction of the \$2 billion, 255-mile natural gas pipeline that's yet to be resolved.

In May, 39 households - comprising 65 individuals - sued the company and the Federal Energy Regulatory Commission in an effort to halt the project.

The property owners said the company is improperly using eminent domain and argued FERC has failed to provide adequate information to homeowners regarding their options. (See Gongwer Ohio Report, May 15, 2017)

A magistrate in August issued a recommendation that the court deny plaintiffs' motion, opining that without formal FERC approval the court lacks adequate jurisdiction. (See Gongwer Ohio Report, August 8, 2017)

Weeks later, FERC approved the project, which Nexus argued in court filings made the lawsuit moot. Construction was then authorized to begin in October after several preconstruction conditions were met. (See Gongwer Ohio Report, October 13, 2017)

Judge John Adams agreed with the magistrate and his ruling this week from the U.S. District Court for the Northern District of Ohio adopts the magistrate's prior recommendation in its entirety.

Plaintiffs may now appeal to the U.S. Sixth Circuit court of Appeals. That's the same court that late last month voted 2-1 to stay construction on an eight-mile stretch of the pipeline through the city of Green. (See Gongwer Ohio Report, November 27, 2017)

Green is one of several localities - with others including Oberlin, Bowling Green and Medina - that have protested the project.

Green's lawsuit argues the Ohio Environmental Protection Agency granted the project a 401 certification improperly because the agency was not provided with practicable alternative routes with a smaller adverse environmental impact.

Sierra Club had also sued FERC over the pipeline's status, pressing D.C. circuit court to require FERC to rehear the case. But the group was forced to petition for the case to be

dismissed after the landowner at the heart of the complaint agreed to sell land to Nexus for the project.

Groups Highlight Economic Impacts Of 'Dreamers' In Push To Restore DACA

If Congress doesn't act to continue the Deferred Action for Childhood Arrivals program, Ohio could lose out on as much as \$12 million per year in tax revenue, according to a new report.

That total is how much the 9,000 Ohioans who are eligible for the program are currently paying in taxes, Policy Matters Ohio reported Thursday. All would be lost, however, if the protections for immigrants who are working and attending school are eliminated and those so-called Dreamers are deported.

If those same individuals stay in the state without DACA, many would likely take on lower-wage jobs, resulting in an estimated \$5 million tax revenue loss, the think tank said. About 4,000 Ohioans are actually participating in the program.

"Allowing DACA protections to expire would really hurt Ohio but passage of a Dream Act could boost out long-term economic output," Daniel Ortiz, outreach coordinator for Policy Matters Ohio, said in a conference call with reporters.

If Congress acts to reauthorize the program that was nixed by the Trump Administration in September, the state's gross domestic product could see a long-term annual impact of \$92 million, Mr. Ortiz said, citing Center for American Progress estimates.

Ohio's GDP could increase by more than \$300 million annually if half the eligible Dreamers earn college degrees to obtain permanent residence, he said.

"The Dream Act would put these young immigrants on a path to pay their taxes like everyone else and really could facilitate open participation in our communities," Mr. Ortiz said.

U.S. Sen. Sherrod Brown (D-Cleveland) has said he's working with Republicans on a bill that would continue protections for the children of illegal immigrants, however those who are impacted by and supportive of the program say Congress can't move quick enough. (See Gongwer Ohio Report, December 20, 2017)

If a continuation or replacement isn't approved by March 5, as many as 1,200 Dreamers per day throughout the country will see their DACA authorizations expire, Mr. Ortiz said. Under the administration's plan, those who are currently part of the program will be sheltered until their permits expire or up to two years, whichever comes first.

Elvis Saldias, a DACA recipient who lives in Columbus, said his permit expires in about six months and he's not legally permitted to continue working as a property claims adjuster if his authorization lapses by even one day.

The recent Ohio State University graduate who came to America from Boliva more than 15 years ago said he would also no longer be able to continue mentoring the state's youngest immigrants attending Columbus Global Academy.

"I need to continue doing what I'm doing," he said, adding: "I can't imagine the urgency behind those (whose authorizations) have already expired."

Mr. Saldias told reporters the DACA application process, which includes an extensive background check, takes about five months from start to finish - another reason legislation needs passed as soon as possible.

"If they pass a bill today, it doesn't mean we're going to get our renewed DACA...in the mail," he said.

Lynn Tramonte, Director of America's Voice Ohio, called the DACA rescission a crisis, saying Congress can't wait until it's up against the March deadline to make a decision.

"The deadline was September," when the administration stalled the program, she said on the conference call. "People became ineligible suddenly overnight and were unable to apply. Those qualified for renewal were cut off. It's a crisis and...it has really impacts on everybody's lives."

Calls for quick action are growing louder for DACA to be Congress's next order of business now that it's finalized a tax overhaul and appears headed for a Friday vote on another stop-gap funding bill to prevent a government shutdown.

On Wednesday, Gov. John Kasich joined 10 other governors in asking Congress to quickly find a bipartisan solution to the issue. About 800 colleges and universities in the country, including a handful from Ohio, have also pressed for a resolution. (See Gongwer Ohio Report, December 20, 2017)

U.S. Sen. Portman (R-Terrace Park) has said there is an interest in reinstating DACA into permanent law, but it may come with some parameters, such as a workforce enforcement program.

The Federation for American Immigration Reform, which backed President Trump's longtime plan to end the program and leave its future up to Congress, has also said DACA's recession opens to the door to create a larger immigration strategy that could include building a southern border wall and defunding sanctuary cities.

"Congress should seize this opportunity to come together and forge these much-needed reforms in our nation's immigration policy," the group said in a statement.

High Court Green Lights Tax Board To Take Up \$500K NASCAR Appeal

The Board of Tax Appeals erred in dismissing an appeal filed by NASCAR, the Ohio Supreme Court ruled Thursday.

In a 6-1 per curiam decision, the court sided with the Florida-based company by finding that the BTA has jurisdiction to hear an appeal even when the notice is filed by an individual not licensed to practice law in Ohio on behalf of a taxpayer with authorization.

The decision hinged on a 1980 ruling in *Jemo Assoc., Inc. v. Lindley* in which the court found that any authorized agent may file an appeal on behalf of a taxpayer, even if doing so amounts to the unauthorized practice of law, the court's media arm reported.

After conducting an audit for tax years 2005 to 2010, the Department of Taxation in 2012 determined NASCAR failed to pay the Commercial Activity Tax for broadcasting its product in Ohio.

The company was assessed \$549,520, but filed a petition for reassessment with the tax commissioner, who affirmed the finding.

NASCAR then took its case to the BTA. But because its notice of appeal was filed by a Florida attorney not licensed to practice in Ohio, the BTA dismissed the case.

The high court, however, found that the BTA was wrong to do so.

"In this case, there appears to be no dispute that NASCAR authorized Bowen to file the notice of appeal to the BTA," the court wrote in its decision. "So under (state law) and *Jemo*, the notice of appeal filed by Bowen properly invoked the BTA's jurisdiction. Therefore, the BTA erred in dismissing NASCAR's appeal for lack of jurisdiction."

Justice Patrick Fischer was the lone dissenting voice in the case. He cited the 1997 high court case of *Sharon Village Ltd. V Licking Cty. Bd. of Revision*. In that case the court found that non-attorneys cannot file property value complaints on behalf of corporate taxpayers.

"I would hold that barring a statutory exception, when an appeal to the BTA is filed by a non-attorney, the non-attorney has engaged in the unauthorized practice of law and the BTA does not, therefore, have jurisdiction to hear the appeal," he wrote. "The nonbinding plurality opinion in *Jemo* does not conclude otherwise, and even if it could be read to do so, in light of *Sharon Village*, it has been superseded. For these reasons, it was neither unreasonable nor unlawful for the BTA to follow *Sharon Village* and its progeny and to not follow *Jemo*."

Poll Finds Democrats With Big Lead In Generic Congressional Ballots; Bacon Touts Fundraising; Scott Officially Enters District 12 Race...

A new poll released jointly Thursday by Morning Consult and POLITICO has ominous signs for Republicans heading into 2018.

The poll found that Democrats hold a 10-point lead over Republicans on generic midterm ballots, with 44% respondents indicating they would vote for a Democrat in November compared with 34% who said the same about a Republican.

That is an increase from the prior week when 41% of respondents said they would vote for the Democratic candidate. Republicans polled at 36% last week.

The poll also recorded the highest "wrong direction" mark since mid-October, with 63% of respondents saying they believe the country is headed in the wrong direction.

Another finding was that Republicans may be on the wrong side of the net neutrality debate, with 49% saying that repeal was the wrong decision and just 21% saying it was the right decision.

One of the few bright spots for Republicans in the poll is that enthusiasm is higher on their side, with 64% saying they are motivated to vote in 2018, compared to 56% of Democrats.

Fundraising Numbers: Sen. Kevin Bacon (R-Minerva Park) took to Twitter Thursday to tout fundraising numbers for his bid to replace U.S. Rep. Pat Tiberi (R-Galena).

"Great fundraising results this week! We have \$120,000.00 in commitments and we begin collecting them Jan 2," he wrote.

Scott Announcement: On the Democratic of the 12th Congressional District Race, former Franklin County Sheriff Zach Scott formally announced his candidacy for the seat.

"I'm proud of the service and peace of mind I have provided to victims and their families over the past thirty years. Making communities safer by putting dangerous criminals behind bars while helping countless nonviolent offenders get their lives back on track hasn't just been my job - it's been my passion," he said.

"Now I'm going to take that same passion to Congress, where I will get laws passed that put our families and our communities first. Unfortunately, we have all seen too many Washington politicians who are more concerned with serving themselves than serving the public. All too often, Congress caters to powerful special interest groups while the pressing needs of everyday working families fall through the cracks."

Opioid Crisis: In light of a lawsuit filed against the pharmaceutical industry by Summit County and a report showing overdose deaths in Ohio increased by 24% in 2016, Rep. Tavia Galonski (D-Akron) called on drug manufacturers to take responsibility for their role in the opioid epidemic.

"Ohio's opioid epidemic is the result of a myriad of issues," she said. "The key players need to be held accountable and unfortunately, one of the largest is the pharmaceutical industry. By not being clear about the addictive properties of opioids, they have put Ohioans at risk for addiction. I believe this lawsuit is an excellent response to help hard working families needing a helping hand."

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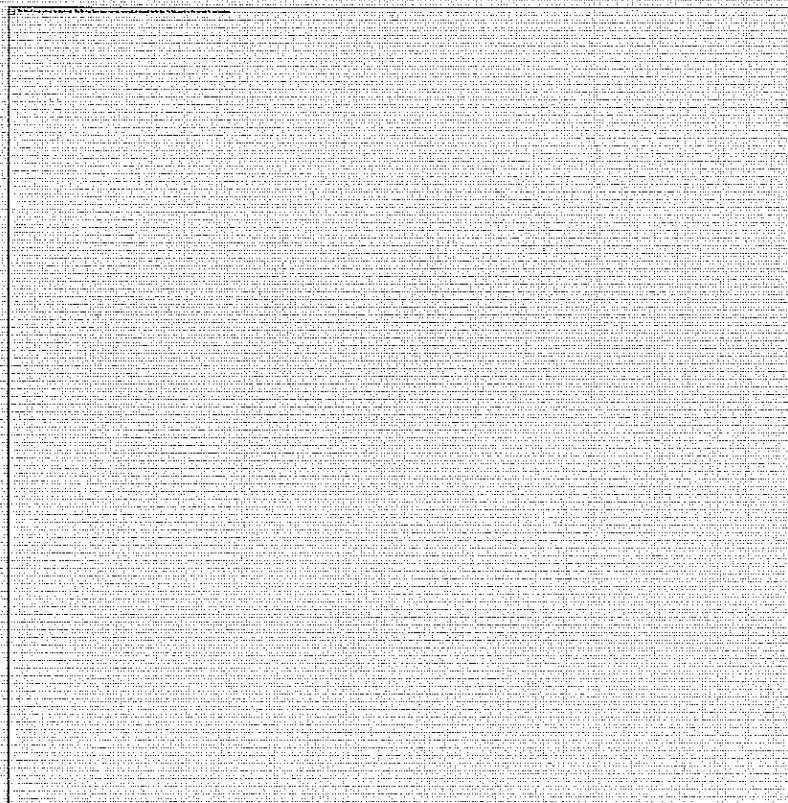
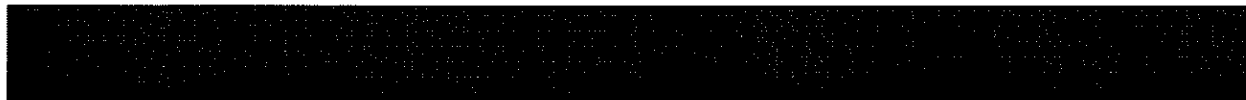
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Click the  after a bill number to create a saved search and email alert for that bill.

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From: Morning Consult
Sent: Friday, December 22, 2017 8:58 AM
To: Rep88
Subject: Morning Consult Washington: Congress Passes Spending Bill to Keep Government Funded Through Jan. 19
Attachments: ATT00001.txt; ATT00002.htm



By Eli Yokley

Morning Consult Washington will be off Dec. 25 through Jan. 1. Publication of the morning briefs and afternoon updates will resume Jan. 2.

Top Stories

- The House and Senate passed a stopgap spending bill that would avert a shutdown by funding the government through Jan. 19, with President Donald Trump expected to sign the measure into law today. The House also passed an \$81 billion disaster relief bill, but the Senate will wait until January to take it up due to Democratic objections. ([The Washington Post](#))
- Senate Majority Leader Mitch McConnell (R-Ky.) said he is unlikely to push for changes to programs such as Social Security and Medicare next year, citing a lack of Democratic support. Earlier this month House Speaker Paul Ryan (R-Wis.) indicated he wants to tackle entitlement reforms in 2018. ([The Wall Street Journal](#))
- The House Ethics Committee said it is expanding its investigation into Rep. Blake Farenthold (R-Texas), who has been accused of sexually harassing at least one former staffer, to include allegations that he lied to the panel and misused official resources for campaign activities. The committee also said it is appointing a subcommittee to probe allegations of sexual misconduct made by a former campaign aide and a Nevada-based lobbyist against Rep. Ruben Kihuen (D-Nev.), who has said he will not seek re-election next year. ([Politico](#))
- The Senate spent more than \$1.45 million over the past 20 years settling harassment and discrimination cases, according to data released by the Senate Rules Committee. While the data did not list specific settlements, the Senate's Office of Compliance has settled sexual discrimination and reprisal cases from a member-led office. ([The Hill](#))
- A federal judge in New York dismissed a lawsuit that alleged Trump violates the Constitution when his businesses receive payments from foreign and state governments, saying the plaintiffs lacked standing to bring the suit. The ruling did not

address whether government payments to Trump's businesses violate the Constitution's emoluments clauses. (The Wall Street Journal)

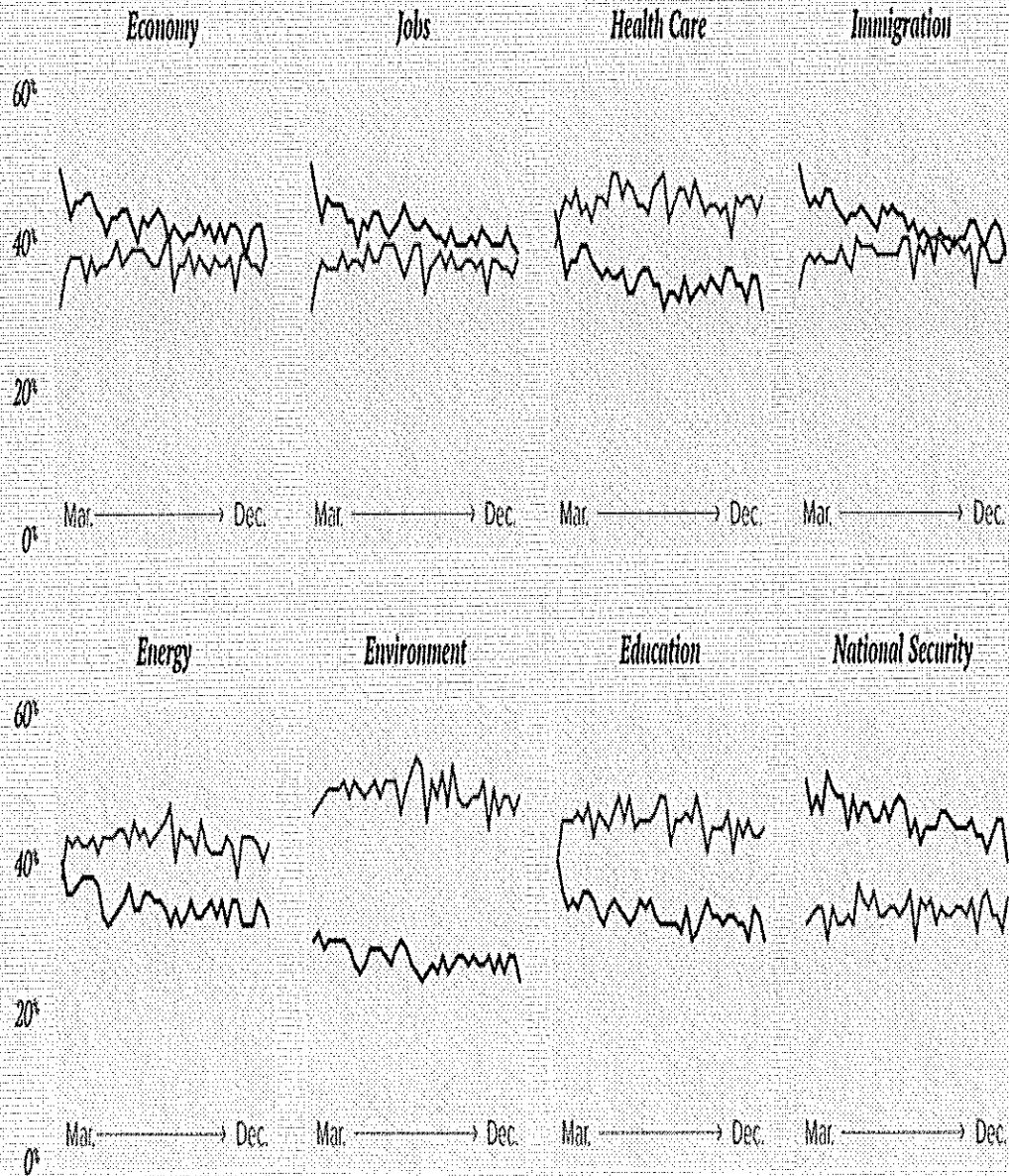
Chart Review

Shifting Opinion on GOP Leaders Signals Risks Ahead of Midterm Elections

Morning Consult

Voters' Shifting Trust in Each Party, by Issue

Who do you trust more to handle each of the following issues? — Congressional Republicans — Congressional Democrats



Events Calendar (All Times Local)

FRIDAY

No events scheduled



2017

2017 Brands in Review

This year, Morning Consult conducted nearly 1 million survey interviews on nearly 1,000 brands. Get a never-before-seen look at how public perception changed for the world's biggest brands.

General

Senate passes stopgap spending bill, allowing Congress to avert partial government shutdown

Mike DeBonis and Eric Werner, The Washington Post

Congress passed a stopgap spending bill Thursday, averting a partial government shutdown at midnight Friday but pushing into January showdowns on spending, immigration, health care and national security. Among the issues still to be resolved is federal aid for victims of recent hurricanes and wildfires.

Obamacare enrollment down only slightly after late surge in demand

Caroline Humer, Reuters

Slightly fewer Americans have enrolled for insurance through the federal Obamacare marketplace compared to a year ago, the government said on Thursday, but the number was higher than expected in light of steps taken by President Donald Trump and Congress to undermine the 2010 law. After a surge in the final days of enrollment, about 8.8 million new and returning customers signed up for 2018 health insurance policies from private insurers on the HealthCare.gov online marketplace, a decline of about 4 percent from the figures for 2017 policies, preliminary figures released by the Centers for Medicare & Medicaid Services (CMS) showed.

RNC launching multimillion-dollar effort to hit Dems on tax reform in 2018

Lisa Hagen, The Hill

The Republican National Committee (RNC) is gearing up to launch a multimillion-dollar effort at the start of 2018 aimed at vulnerable Democrats who voted against the GOP's tax bill. In January, the RNC will

institute the second phase of its data-focused field program to reach voters about details of the tax overhaul.

Population shifts show Sun Belt poised to gain in Congress **Reid Wilson, The Hill**

Sun Belt states are likely to gain seats and influence in Congress after the next U.S. Census, according to yearly population growth estimates released this week. Southern and Western states growing fast enough to gain new seats in the House of Representatives will take those seats from states in the Rust Belt and the Upper Midwest, where population growth has slowed as economic opportunities have moved elsewhere.

Presidential

Judge Dismisses Lawsuit Alleging Foreign Payments to Trump **Businesses Violate U.S. Constitution** **Joe Palazzolo, The Wall Street Journal**

A federal judge in Manhattan threw out a lawsuit that alleged President Donald Trump violates the U.S. Constitution when his businesses receive payments from foreign and state governments. A government watchdog group and business competitors of Mr. Trump who brought the lawsuit failed to show that the president's alleged violations caused them harm or that their alleged injuries fell within "the zone of interests" the U.S. Constitution's built-in anticorruption provisions seek to protect, U.S. District Judge George Daniels wrote in a 29-page opinion.

White House: Trump will likely sign tax bill Friday **Jordan Fabian, The Hill**

President Trump will likely sign the Republican tax overhaul on Friday, according to a White House official. "There's a very good chance the president signs it tomorrow," said the official.

Second judge halts Trump rollback of ObamaCare birth control rule

Nathaniel Weixel, The Hill

A federal judge in California has temporarily blocked the Trump administration's recent rules allowing moral and religious exceptions to ObamaCare's birth control requirement, the second time this week a court has ruled against the administration. Judge Haywood Gilliam Jr. granted the injunction Thursday in the District Court for the Northern District of California.

Pence: New US-Afghanistan strategy 'already bearing fruit'

Ken Thomas, The Associated Press

Vice President Mike Pence swooped into Afghanistan for a secret meeting with Afghan leaders and a visit with U.S. troops, pointing to progress four months after President Donald Trump announced a new strategy to end a stalemate in America's longest war. Pence's unannounced trip was the first to the war-ravaged country by either Trump or the vice president, and it came as the Trump administration is seeking to stabilize the country by strengthening Afghan forces and seeking a conclusion to the 16-year war there.

Trump Deputy Chief of Staff to Step Down

Michael C. Bender, The Wall Street Journal

Rick Dearborn, one of President Donald Trump's top aides, will step down early next year to pursue private-sector work, White House officials said, becoming the latest high-profile departure from the West Wing in recent weeks. "Rick loyally served the president for two and a half years and brought tremendous energy to the White House staff," White House Chief of Staff John Kelly said.

Key White House economic adviser to depart

Damian Paletta, The Washington Post

White House National Economic Council Deputy Director Jeremy Katz is leaving the Trump administration early next month in what could mark a

churn of senior advisers. Katz, a Bush administration veteran who worked as NEC Director Gary Cohn's lieutenant, played a central role in coordinating the administration's push to overhaul the tax code.

Trump advisers vent frustrations about 2018 strategy as president listens

Josh Dawsey and Robert Costa, The Washington Post

Within hours of celebrating President Trump's biggest legislative achievement, at the South Portico of the White House on Wednesday, his aides and outside advisers had a spirited, and at times tense, discussion with him about the political outlook ahead of next year's midterm elections. The gathering saw tempers flare as aides vented their frustrations with electoral defeats this year and concerns about the 2018 political map, according to several people with knowledge of the discussion.

Trump targets human rights abusers with executive order **Victoria Guida, Politico**

President Donald Trump cracked down Thursday on individuals and groups that his administration deems to be perpetrators or enablers of human rights abuses and corruption, the first action under a broad sanctions law passed a year ago. Trump signed an executive order declaring a national emergency related to "serious human rights abuse and corruption around the world" and imposed sanctions on 13 individuals, using his authority under the 2016 Global Magnitsky Act.

Trump Administration Official Opposed Abortion for Teen Impregnated After Rape

Brent Kendall, The Wall Street Journal

A Trump administration official who oversees undocumented minors in U.S. custody recently sought to deny a teenager permission to abort a pregnancy that was the result of a rape, according to a newly released court document. "Even supposing it was possible to justify abortion in this context, abortion does not here cure the reality that she is the victim

of an assault," Scott Lloyd, director of the Office of Refugee Resettlement, wrote in a memo dated Dec. 17.

**President Donald Trump Watches Far Too Much Tv,
Americans Say In New Poll**
Linley Sanders, Newsweek

President Donald Trump needs to make a New Year's resolution to power off the television if he wants Americans to think he's a good commander in chief. Trump makes an effort to watch at least four hours of television daily-sometimes up to eight when his schedule allows-and a new poll indicates that Americans think it's hurting his job performance.

Senate

**Mitch McConnell Is Unlikely to Push for Social Security and
Medicare Changes in 2018**
Siobhan Hughes and Natalie Andrews, The Wall Street Journal

Republican Senate Majority Leader Mitch McConnell said Thursday he was unlikely to tackle changes to Social Security or Medicare next year, potentially extinguishing the hopes of House Speaker Paul Ryan to wring savings from the entitlement programs. "The only way I would be willing to go to entitlement reform-I assume that's a euphemism for things like Social Security and Medicare-would be if there were Democratic support," Mr. McConnell said in an interview with The Wall Street Journal.

**Senate has spent over \$1.45M settling harassment,
discrimination cases in last 20 years**
Jordain Carney, The Hill

The Senate spent more than \$1.45 million settling workplace harassment and discrimination cases over the past 20 years, according to data released by the Senate Rules Committee on Thursday. The Office of

Compliance (OOC) paid nearly \$600,000 in claims stemming from senators' offices across a total of 13 settlements, according to the data.

A Senate Christmas Present: Several Trump Nominees Confirmed
Niels Lesniewski, Roll Call

At the very end of an acrimonious first year working with President Donald Trump in the Oval Office, the Senate reverted to form, looking very much like the Senate. Senate Majority Leader Mitch McConnell came to the Senate floor after 9:30 p.m. to call for voice votes on a slew of pending Trump nominees to posts across the federal government.

In private meeting, Schumer angrily confronted by Hispanic Caucus members as prospects for DACA deal slip again
Ed O'Keefe, The Washington Post

Disagreements among Democrats over how to keep fighting to enact legal protections for immigrant "dreamers" boiled over in the office of Senate Minority Leader Charles E. Schumer on Thursday as he met with members of the Congressional Hispanic Caucus in what several participants described as a tense and heated exchange. In a vivid display of growing divisions in the party over how to fight Republicans on immigration policy, members of the Hispanic Caucus - a 31-member group of House and Senate Democrats - walked off the House floor Thursday afternoon and headed across the Capitol to Schumer's office suite.

Brownback won't get vote this year, GOP senator says
Jonathan Shorman et al., The Wichita Eagle

Gov. Sam Brownback will continue to wait for confirmation as ambassador-at-large for international religious freedom, after the Senate Republican leader said he doesn't know when a vote will take place. Brownback's nomination is nearly half a year old, but negotiations between Senate Republicans and Democrats are set to push a vote into January.

'We're losing the war for truth': Franken denounces Trump, GOP in final floor speech

Elise Viebeck, The Washington Post

Sen. Al Franken bade farewell to Capitol Hill on Thursday with a lengthy broadside against the policies of the Trump administration and a call for politicians to commit themselves to "honesty in public discourse." The speech put to rest questions about whether Franken (D-Minn.) would follow through on his promise to resign over more than a half-dozen allegations that he had touched women inappropriately.

House

Ethics committee expands Rep. Farenthold probe

John Bresnahan, Politico

The House Ethics Committee announced late Thursday that it was expanding its investigation into GOP Rep. Blake Farenthold to include allegations he improperly used official resources for campaign activities, as well as lying to the panel. Farenthold is already under investigation over claims that he sexually harassed at least one former staffer.

Release of plan to change Congress' harassment rules is delayed

Elana Schor, Politico

Bipartisan House negotiators on Thursday delayed the release of a plan to overhaul Capitol Hill's workplace harassment policy, but the move appeared to signal momentum for action when Congress returns to Washington in 2018. As five House Republicans and Democrats who have worked on a consensus deal to modernize congressional office misconduct policy described themselves as "very close to finalizing" their proposal, a key Senate Republican involved in talks on Hill harassment policy sent another positive signal about action as soon as next month.

States

Oyster shucking? A duel? No, Virginia will pull a name from a film canister to settle tied election

Jenna Portnoy, The Washington Post

On CNN, they were holding up film canisters. On Twitter, there were suggestions of an oyster-shucking contest.

How states are coping with uncertainty of kids' health money **The Associated Press**

Examples of how states have been reacting to the threat of running out of federal money for the Children's Health Insurance Program. It was unclear how their plans might change with the short-term federal funds Congress approved Thursday.

Poll points to all-Democrat runoffs in California races for governor and senator

Seema Mehta, Los Angeles Times

Californians could see two Democrat-on-Democrat contests in the state's premier races in 2018, according to a new poll released Thursday. In the gubernatorial race, Lt. Gov. Gavin Newsom remains the front-runner with the support of 26% of likely voters in a Berkeley IGS poll.

Advocacy

Republicans plan mega marketing push to sell unpopular tax plan

Kevin Robillard et al., Politico

Conservative groups are planning a multimillion-dollar effort to sell the GOP's tax cut law, hoping the American electorate can learn to love the party's signature - but massively unpopular - legislative achievement.

"We have a public that distrusts anything coming out of Washington, especially anything from the majority party," said Tim Phillips, president of Americans for Prosperity, the grass-roots organizing arm of the powerful Koch brothers network of conservative groups.

Opinions, Editorials and Perspectives

This Tax Bill May Do Some Good

Peggy Noonan, The Wall Street Journal

On the tax bill we begin grouchy and wind up, as befits the season, hopeful. Grouchy: Wednesday afternoon's big White House rally celebrating its passage was embarrassing.

The Four Threats to Robert Mueller

Richard W. Painter and Norman L. Eisen, The New York Times

At least for the moment, it seems that Robert Mueller, the special counsel, may keep his job. President Trump declared this week that he does not currently intend to fire him - a concession, perhaps, to the overwhelming public opposition to such a move.

The stench of Trump's self-dealing

Joe Scarborough, The Washington Post

The political system is rigged for the richest insiders in America. When we talk about the insider, who are we talking about?

Research Reports and Polling

New Year, Same Priorities: The Public's Agenda for 2018

The Associated Press and National Opinion Research Center

Health care, taxes, immigration, the environment, and education top a long and diverse list of the American public's policy priorities for the coming year. The public would like to see Washington expend considerable effort dealing with their top concerns for the country.



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NEWS

Lawmakers push right-to-work for 2020 ballot (Akron Beacon Journal, 1/3/2018)

Democrat in Ohio governor's race picks running mate: (Associated Press, 1/3/2018)

Ohioans can apply for amnesty to settle unreported tax debts: (Associated Press, 1/3/2018)

Ohio's child support system: Everyone agrees it's broken. But a fix has taken 25 years – and counting. (Cincinnati Enquirer, 1/3/2018)

Senators working to turn tide of drug epidemic (Toledo Blade, 1/3/2018)

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NEWS

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**Governor names second Ohio poet laureate (Associated Press, 1/8/2018)**

**Proposed Ohio law would prevent forced nurse overtime (Associated Press, 1/8/2018)**

**Mandel's shocking exit has Republicans concerned (Cincinnati Enquirer, 1/8/2018)**

**Ohio's next governor: sorting out 9 candidates (Cincinnati Enquirer, 1/8/2018)**



**Social media reactions to Mandel's decision to exit U.S. Senate race (Cincinnati Enquirer, 1/8/2018)**

**Jeff Johnson, former Cleveland councilman, plans to challenge Ohio Sen. Sandra Williams in May primary (Cleveland Plain Dealer, 1/8/2018)**

**Josh Mandel drops out of the Senate race (Cleveland Plain Dealer, 1/8/2018)**

**Marijuana legal in most states, but in few states won by Donald Trump (Cleveland Plain Dealer, 1/8/2018)**

**Ohio still has a political gender gap, but not in the race for governor: A Woman's Place (Cleveland Plain Dealer, 1/8/2018)**

**ECOT case prompts calls for better rules to verify student enrollment (Columbus Dispatch, 1/8/2018)**

**Grandparents raising kids of addicts struggle with little aid (Columbus Dispatch, 1/8/2018)**

**Josh Mandel quitting US Senate challenge of Sherrod Brown seat (Columbus Dispatch, 1/8/2018)**

**Ohio purge of voter rolls gets Supreme Court scrutiny this week (Columbus Dispatch, 1/8/2018)**

**Ohio school districts anxious for refunds from ECOT's \$60 million repayment (Columbus Dispatch, 1/8/2018)**

**Taylor stays firm with governor run; Renacci reportedly considering bid for Senate (Columbus Dispatch, 1/8/2018)**

**Top Ohio House GOP aide leaving for campaign roles (Columbus Dispatch, 1/8/2018)**

**Will 2018 be the political year of the woman? (Columbus Dispatch, 1/8/2018)**

**Are you owed money? Ohio's unclaimed fund hits \$2.6 billion (Dayton Daily News, 1/8/2018)**

**Group pushing ballot measure to increase regulation of puppy mills (Dayton Daily News, 1/8/2018)**

**Josh Mandel drops out of the U.S. Senate race against Sherrod Brown (Dayton Daily News, 1/8/2018)**

**Key issue in court case: Did Ohio deprive people of right to vote? (Dayton Daily News, 1/8/2018)**

**Ohio voters will have multiple candidates to choose from in 2018 (Toledo Blade, 1/8/2018)**

**Republican lawmakers push to make Ohio "right to work" (Toledo Blade, 1/8/2018)**

**Senator Brown in Toledo to tout anti-fentanyl act (Toledo Blade, 1/8/2018)**

## **EDITORIALS**

**Beacon Journal/Ohio.com editorial board: This is the time to protect Dreamers (Akron Beacon Journal, 1/8/2018)**

**Voting in Ohio matters - look at the 141 ties and one-vote races in the last five years: Thomas Suddes (Cleveland Plain Dealer, 1/8/2018)**

**Editorial: Legislature failed Ohio consumers (Columbus Dispatch, 1/8/2018)**

**Editorial: One vote does count: See Va. and Ohio (Columbus Dispatch, 1/8/2018)**

## Opioid aid for Ohio's towns (Toledo Blade, 1/8/2018)

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## NEWS

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Dennis Kucinich files paperwork to run for Ohio governor (Associated Press, 1/9/2018)

Lawmaker touts life change since his impaired driving arrest (Associated Press, 1/9/2018)

Ohio bans sale of dozens of invasive plants under new rules (Associated Press, 1/9/2018)

Dennis Kucinich to run for Ohio governor (Cincinnati Enquirer, 1/9/2018)

Mandel replacers: Latest update on who's in, out (Cincinnati Enquirer, 1/9/2018)

Proposed Ohio law would prevent forced nurse overtime (Cincinnati Enquirer, 1/9/2018)

Dennis Kucinich files paperwork for potential gubernatorial run (Cleveland Plain Dealer, 1/9/2018)

Former Cleveland Councilman TJ Dow may seek Ohio House of Representatives seat (Cleveland Plain Dealer, 1/9/2018)

Ohio still has a political gender gap, but not in the race for governor: A Woman's Place (Cleveland Plain Dealer, 1/9/2018)

Dennis Kucinich will join Ohio governor's race next week (Columbus Dispatch, 1/9/2018)

If Trump says to jump, Renacci will run for Senate instead of governor (Columbus Dispatch, 1/9/2018)

Justice O'Neill to announce running mate Tuesday in governor's race (Columbus Dispatch, 1/9/2018)

Ohio sued over racial quota on marijuana growing licenses (Columbus Dispatch, 1/9/2018)

10 Ohio professions that require licensing: Are they needed? (Dayton Daily News, 1/9/2018)

Democratic governor candidate Bill O'Neill to announce running mate (Dayton Daily News, 1/9/2018)

Group pushing ballot measure to increase regulation of puppy mills (Dayton Daily News, 1/9/2018)

If Trump asks, Renacci may run for Ohio's U.S. Senate seat (Dayton Daily News, 1/9/2018)

Gibbons trying to nail down front-runner status in GOP primary for U.S. Senate (Toledo Blade, 1/9/2018)

Republican lawmakers push to make Ohio "right to work" (Toledo Blade, 1/9/2018)

EDITORIALS

Beacon Journal/Ohio.com editorial board: To build a better state report card (Akron Beacon Journal, 1/9/2018)

Time for the people of Ohio to decide on right-to-work law (Cincinnati Enquirer, 1/9/2018)

Infrastructure ought to be next (Toledo Blade, 1/9/2018)

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Subject: Morning Consult Washington: House Foreign Affairs Committee
Chairman Ed Royce to Retire
Attachments: ATT00001.txt; ATT00002.htm

By Eli Yokley

Top Stories

- Rep. Ed Royce (R-Calif.), who is serving his final year as chairman of the House Foreign Affairs Committee, said he will not seek a 14th term in Congress. Royce's district, which Democrat Hillary Clinton won in 2016, is considered key to Democrats in their attempt to regain control of the House during the November midterm elections. ([Los Angeles Times](#))
- The White House and congressional Republicans are increasingly skeptical that lawmakers will be able to reach a long-term budget agreement before Jan. 19, when funding runs dry, raising the likelihood of another temporary stopgap spending measure. Senate Majority Whip John Cornyn (R-Texas) said Democrats are holding a deal "hostage" over a provision they want included that would shield hundreds of thousands of young undocumented immigrants from deportation. ([Politico](#))
- Republicans are moving away from their effort to repeal the Affordable Care Act, and they're scaling back ambitions to overhaul social safety net programs, opting instead to focus on funding the government, raising the debt limit and striking a deal on immigration ahead of the midterm elections. House Speaker Paul Ryan (R-Wis.) had mentioned plans to tackle entitlement spending, but Senate Majority Leader Mitch McConnell (R-Ky.) has warned against a partisan overhaul of the programs and Trump appears more aligned with him. ([The Wall Street Journal](#))
- Vice President Mike Pence plans to visit the Middle East from Jan. 19-23, with stops in Egypt, Israel and Jordan. Pence had initially planned to visit the region before Christmas, but the trip was postponed amid the tax overhaul debate on Capitol Hill and an uproar in the Middle East over the Trump administration's decision to recognize Jerusalem as the capital of Israel. ([The Washington Post](#))

Chart Review

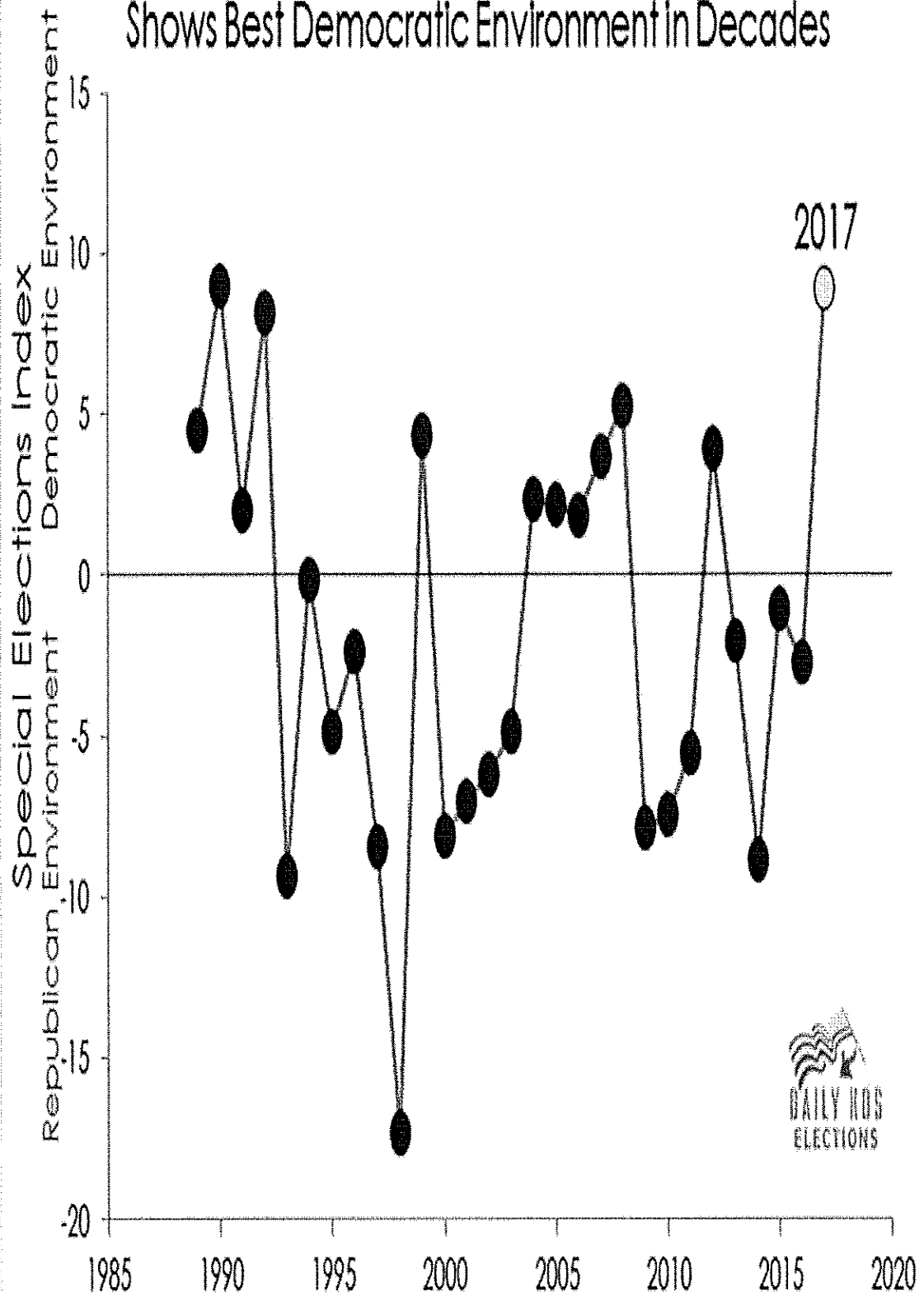
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Daily Kos

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Special Elections Index

Shows Best Democratic Environment in Decades



Events Calendar (All Times Local)

TUESDAY

House Energy & Commerce subcommittee hearing on DOE modernization	10 a.m.
House Homeland Security subcommittee hearing on border security	10 a.m.
Senate HELP Committee hearing on the opioid crisis	10 a.m.
Senate Finance Committee hearing on anticipated nomination of Alex Azar to be HHS secretary	10 a.m.
Senate Foreign Relations subcommittee hearing on attacks on U.S. diplomats in Cuba	10 a.m.
Council on Foreign Relations event on potential and ongoing crises in 2018	12:30 p.m.
Wilson Center event on security challenges in East Asia	2 p.m.

WEDNESDAY

U.S. Chamber of Commerce's State of American Business address	9:30 a.m.
House Foreign Affairs subcommittee hearing on implications of upcoming elections in Western Hemisphere	2 p.m.

THURSDAY

Rep. Cuellar speaks at Brookings Institution event on the costs of a border wall

8:30 a.m.

Rep. Bera speaks at Stimson Center event on South Asia crises

8:30 a.m.

Senate Foreign Relations Committee hearing on U.S. policy in Syria post-ISIS

10 a.m.

FRIDAY

No events scheduled



2017

2017 Brands in Review

Last year, Morning Consult conducted nearly 1 million survey interviews on nearly 1,000 brands. Get a never-before-seen look at how public perception changed for the world's biggest brands.

General

Republicans: Budget deal prospects are dimming **Rachael Bade et al., Politico**

Congressional Republicans and White House officials are increasingly skeptical that they'll reach a long-term budget agreement with Democrats in the next 11 days, accusing progressives of slow-walking a spending deal until they get what they want on immigration. Party leaders from both sides of the aisle have been quietly working to raise stiff spending caps to avert a government shutdown before Jan. 19, when federal agency funding runs dry.

Republicans Scale Down Agenda for Safety-Net Programs, Health Law **Kristina Peterson and Stephanie Armour, The Wall Street Journal**

Republicans are scaling back their ambitions to overhaul safety-net programs and dismantle the Affordable Care Act following President Donald Trump's weekend retreat with GOP leaders, due to concerns they can't muster enough support ahead of the 2018 midterm elections. Instead, Republican lawmakers are likely to embrace a slimmed-down agenda focused on the basics, including funding the government, raising the government debt limit and striking a deal on immigration, according to GOP lawmakers and aides.

North Korea to join Olympics in South Korea as tensions ease **Hyung-Jin Kim, The Associated Press**

The rival Koreas took steps toward reducing their bitter animosity during rare talks Tuesday, as North Korea agreed to send a delegation to next month's Winter Olympics in South Korea and reopen a military hotline. The meeting, the first of its kind in about two years, was arranged after North Korean leader Kim Jong Un made an abrupt push for improved

ties with South Korea following a year of elevated tensions with the outside world over his expanding nuclear and missile programs.

Talk of Oprah running for president captivates Democrats
Robert Costa, The Washington Post

From Hollywood to Iowa, a sudden wave of enthusiasm for Oprah Winfrey as a potential presidential candidate swept through the Democratic Party on Monday, beginning as a social-media sensation after her rousing remarks at Sunday night's Golden Globes ceremony and escalating nationally as party officials and activists earnestly considered the possibility. The calls for Winfrey, a cultural icon and friend of former president Barack Obama's, to look hard at entering the 2020 race against President Trump revealed a longing among Democrats for a global celebrity of their own who could emerge as their standard-bearer and his foil.

Fusion GPS: Trump-appointed judge has conflicts, should recuse
Josh Gerstein, Politico

The private investigation firm behind the so-called Trump dossier - Fusion GPS - is arguing that a Trump-appointed federal judge has so many conflicts of interest that he should recuse himself from a legal case stemming from BuzzFeed's publication of the dossier earlier this year. Fusion's lawyers say the impartiality of U.S. District Court Judge Trevor McFadden is open to question because he represented a firm owned by a Russian businessman who claims he was libeled by publication of the dossier and he was a top lawyer at the Justice Department's Criminal Division last year when Senate Judiciary Committee Chairman Chuck Grassley requested an investigation into Fusion.

Tillerson tells AP Cuba still risky; FBI doubts sonic attack
Josh Lederman and Matthew Lee, The Associated Press

The United States would be "putting people intentionally in harm's way" if it sent diplomats back to Cuba, Secretary of State Rex Tillerson says in an Associated Press interview, even as a new FBI report casts doubt on

the initial theory that Americans there have been hit by "sonic attacks." Following months of investigation and four FBI trips to Havana, an interim report from the bureau's Operational Technology Division says the probe has uncovered no evidence that sound waves could have damaged the Americans' health, the AP has learned.

Ruth Bader Ginsburg, with clerk hires, signals desire to outlast Trump
Joan Biskupic, CNN

Justice Ruth Bader Ginsburg marks her 25th anniversary on the Supreme Court this year, and the cultural icon known as the "Notorious RBG" recently signaled that she intends to stay at least through 2020 by hiring law clerks for at least two more terms. Ginsburg, who turns 85 in March, would have to stay another decade to near the record of William O. Douglas, who served the longest at 36 years.

Presidential

Pence reschedules Middle East trip for late January, adds stop in Jordan
Jenna Johnson, The Washington Post

Vice President Pence's office has announced new dates for his delayed trip to the Middle East: Jan. 19-23. Pence was originally scheduled to travel the week before Christmas, but postponed the trip so he could remain in Washington in case his vote was needed to pass tax legislation.

Mike Pence Plans Active Role in GOP's 2018 Campaign
Peter Nicholas and Michael C. Bender, The Wall Street Journal

Vice President Mike Pence is jumping into the midterm elections, planning visits soon to Nevada and Pennsylvania and helping recruit a candidate in Ohio amid an aggressive push to retain Republican control of Congress. Mr. Pence, in an interview at his White House office Monday, conceded that history shows it is difficult for the president's

party to stave off midterm election losses, but said that economic gains could help Republicans strengthen their grip on the Senate.

The White House struggles to silence talk of Trump's mental fitness

Philip Rucker and Ashley Parker, The Washington Post

The White House is struggling to contain the national discussion about President Trump's mental acuity and fitness for the job, which has overshadowed the administration's agenda for the past week. Trump publicly waded into the debate spawned by a new book, "Fire and Fury" - Michael Wolff's inside account of the presidency - over the weekend by claiming on Twitter that he is "like, really smart" and "a very stable genius."

Federal Regulators Rule Against Trump Administration on Power Plants

Timothy Puko, The Wall Street Journal

Federal energy regulators on Monday rejected a Trump administration proposal aimed at shoring up struggling coal-fired and nuclear power plants to bolster the nation's electricity grid, saying the administration hadn't persuaded them the plan was needed to ensure the system's reliability. The administration plan, proposed in September, is one of its biggest initiatives to help those fuels compete amid a boom in gas-fired and renewable power.

Trump renominates McFarland to be ambassador to Singapore

Jordan Fabian, The Hill

The White House on Monday renominated K.T. McFarland to be ambassador to Singapore, even though her nomination appeared in doubt over her involvement in the Russia investigation. McFarland's name was included on a list of more than 80 nominees the White House

sent to the Senate on Monday, many of which were resubmitted because the upper chamber did not complete work on them last year.

Senate

Senate bill to reverse net neutrality repeal gains 30th co-sponsor, ensuring floor vote **Harper Neidig, The Hill**

A Senate bill that would reverse the Federal Communications Commission's (FCC) decision to repeal net neutrality received its 30th co-sponsor on Monday, ensuring it will receive a vote on the Senate floor. Sen. Claire McCaskill (D-Mo.) announced her support for the bill on Twitter, putting it over the top of a procedural requirement to bypass committee approval.

Trump and Corker mend fences after 'Liddle Bob' tweets **Andrew Restuccia, Politico**

In October, President Donald Trump labeled Tennessee Republican Sen. Bob Corker an "incompetent" critic of his tax reform plan who "couldn't get elected dog catcher in Tennessee." And Corker, in turn, accused the president of "debasing" the country and vowed not to vote for him again.

Hillbilly Elegy' author Vance urged to run for Senate **Seung Min Kim and Kevin Robillard, Politico**

Top Senate Republicans have quietly reached out to J.D. Vance - the star author of "Hillbilly Elegy" - about running for Senate in Ohio after the abrupt withdrawal of GOP candidate Josh Mandel last week. Senate Majority Leader Mitch McConnell (R-Ky.) has spoken with Vance about a potential bid, according to three sources familiar with the discussions.

House

California Republican Rep. Ed Royce won't seek reelection, creating bigger opening for Democrats

Christine Mai-Duc and Sarah D. Wire, Los Angeles Times

House Foreign Affairs Committee Chairman Rep. Ed Royce announced Monday he will not run for reelection, boosting Democrats' chances of winning his Southern California district as they work to regain control of the U.S. House this year. The Republican from Fullerton was the first of his California colleagues to announce a retirement in what's expected to be a tough year for the GOP.

Pair of lawmakers unveil bipartisan DACA plan **Tal Kopan, CNN**

A bipartisan pair of House members have reached a compromise on Deferred Action for Childhood Arrivals and border security - a plan the two unlikely allies hope could provide a "foundation" for a deal President Donald Trump could sign into law. Reps. Will Hurd, a Texas Republican, and Pete Aguilar, a California Democrat and whip for the Congressional Hispanic Caucus, have been quietly working for weeks to develop their legislation, which the two sophomore lawmakers are releasing as a discussion draft as talks heat up on DACA ahead of a government funding deadline January 19 being used as leverage in Congress.

Arkansas Rep. Womack likely next House budget chairman **Rachael Bade and Sarah Ferris, Politico**

Senior House Republicans vote Tuesday night to replace outgoing House Budget Chairman Diane Black, who's stepping down to run for Tennessee governor. Most have their money on Rep. Steve Womack.

Republicans scrutinize FBI's media contacts in Russia case **Kyle Cheney, Politico**

Broadening their political counterattack in defense of the White House, President Donald Trump's allies in Congress are placing new scrutiny on contacts between top Justice Department officials and reporters covering the Trump-Russia investigation. In recent weeks, GOP congressional investigators have publicly and privately questioned senior Justice Department and FBI leaders about interactions with reporters covering the Trump campaign's connections to Russia.

Conor Lamb says he wouldn't support Nancy Pelosi to lead House Dems

Wes Venteicher, Pittsburgh Tribune-Review

Democratic Congressional candidate Conor Lamb said Monday he wouldn't vote to give Nancy Pelosi another term as U.S. House leader if he is elected to Congress. Lamb, 33, who is running for a March special election to replace former Rep. Tim Murphy, said both parties in the House need new leadership, having failed to adequately address the nation's heroin epidemic or what Lamb called its "crumbling infrastructure."

States

Dennis Kucinich is running for Ohio governor against 6 other Democrats

Laura A. Bischoff, Springfield News-Sun

Former Cleveland mayor and U.S. member of Congress Dennis Kucinich is running for Ohio governor, joining an already crowded field in the Democratic primary. Kucinich filed paperwork with the Ohio Secretary of State on Monday to declare his candidacy and name a campaign treasurer.

Democratic hope for ending GOP majority in Virginia House hangs on a thread

Fenit Nirappil and Laura Vozzella, The Washington Post

Virginia Democrats on Monday seem to acknowledge the increasingly dim prospects of ending Republican control of the House of Delegates, even as they're waging a last-ditch legal effort. The General Assembly reconvenes on Wednesday, and whichever party holds more seats in the House that day will choose a speaker and set rules for running the chamber.

Blue states eye 'political gift' in tax workaround fight with Trump

Jimmy Vielkind et al., Politico

The new tax law's repeal of the state and local deduction may pose a fiscal threat to high-tax states and their affluent taxpayers. But it's also a political gift to Democratic officials in those states seeking to raise their national profiles by challenging President Donald Trump and circumventing the law.

The maker of Oxycontin likes Rick Scott's plan to limit opioids. So why don't others?

Lawrence Mower, Miami Herald

Gov. Rick Scott is pushing legislation that would be a modest step toward combating the state's growing opioid crisis. But it's placing the former healthcare company CEO in an unusual spot: He's at odds with doctors, drug companies and some fellow Republicans, who fear losing control or profits from Scott's legislation.

Advocacy

Koch-backed groups urge Congress to pass right-to-try legislation

Erin Mershon, Stat News

Several deep-pocketed political advocacy groups founded by Charles and David Koch are ramping up their advocacy before Congress on a niche issue: access to experimental drugs. On Monday, several Koch-backed

groups, including Freedom Partners and Americans for Prosperity, launched an ad campaign urging Congress to pass so-called "right-to-try" legislation, which aims to help terminally ill patients access experimental treatments that haven't yet been approved by the Food and Drug Administration.

Opinions, Editorials and Perspectives

Strong Economies Lift Presidents. Trump Seems an Exception. **Nate Cohn, The New York Times**

The stock market has surged. Unemployment is at 4.1 percent.

Will Trump Punish the Farm Belt? **The Editorial Board, The Wall Street Journal**

The U.S. economy is starting to grow at a faster pace, and deregulation and tax reform are pointing to an investment boost in 2018. But the big economic policy question now is whether President Trump is going to dampen this new growth enthusiasm by imposing tariffs and kicking off a global trade war.

A Counterproductive Approach to a Broken Immigration System **Michael Shifter and Ben Raderstorf, The New York Times**

The decision by the Department of Homeland Security not to renew Temporary Protected Status, for almost 200,000 migrants from El Salvador is President Trump's latest attempt to restrict both legal and illegal immigration. This comes on the heels of the same rulings last year regarding Haitians and Nicaraguans.

It's on Republicans to stop a shutdown **Bernie Sanders, The Washington Post**

I do not know why President Trump and the Republican Party - which controls the White House, the Senate and the House - are so willing to shut down the government. Maybe they think it will be good for them politically.

Research Reports and Polling

The Working Class and the Federal Government's Social Safety Net

Angela Rachidi, American Enterprise Institute

The 2016 presidential election raised questions about who makes up the "working class" and what motivates them. The Great Recession exposed considerable economic vulnerability among this group of Americans, perhaps leading to the current wave of economic populism and a certain level of distrust for the federal government.



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Subject: STATEMENT: Honor Martin Luther King by continuing the fight

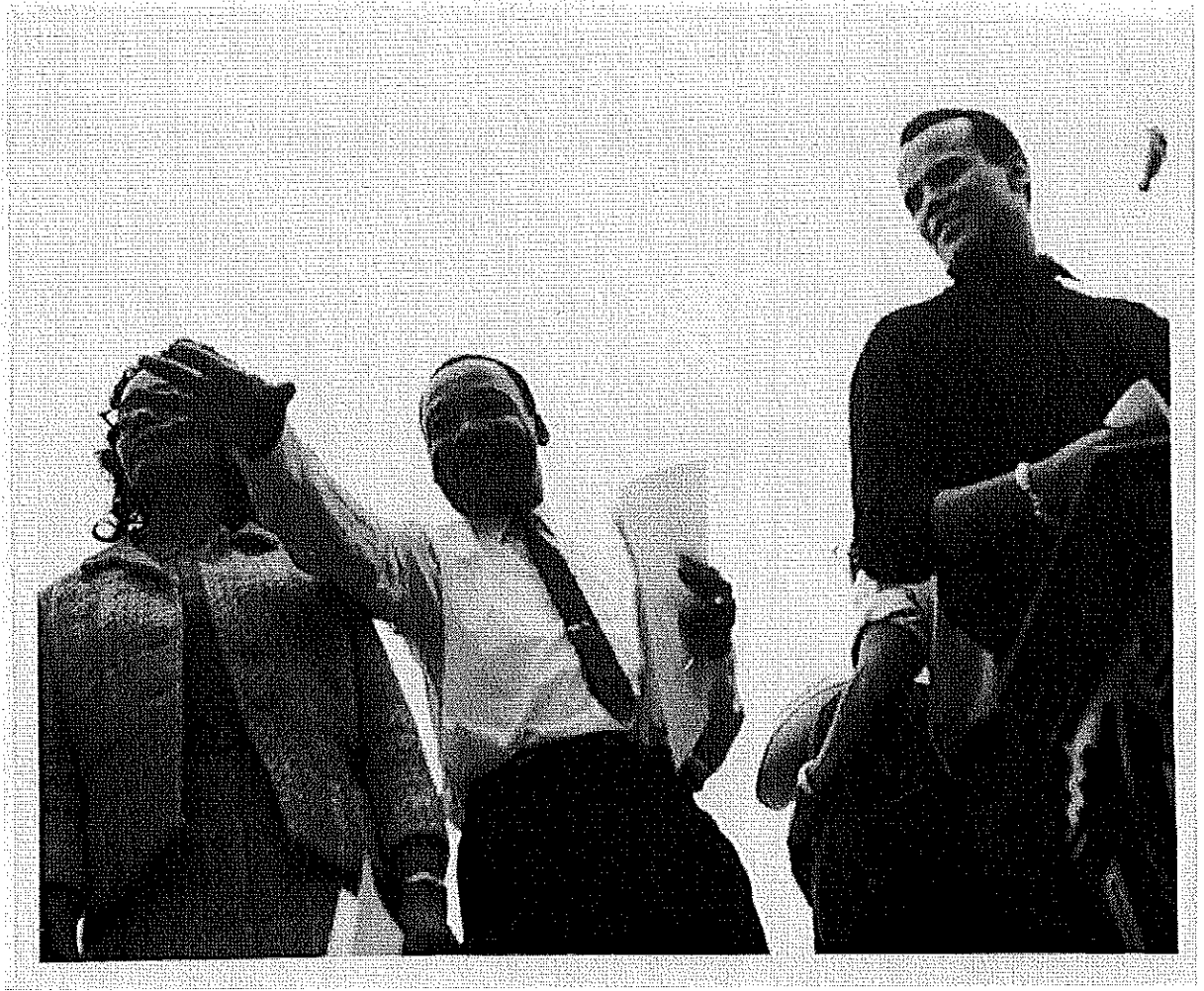
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PRESS STATEMENT

Honor Martin Luther King by continuing the fight



Coretta Scott King, Martin Luther King, Jr. and singer Harry Belafonte in 1965. Photo: Center for Jewish History

Contact: Amy Hanauer
216.361.9801

In honor of Dr. Martin Luther King, Jr. Day, Policy Matters Ohio Executive Director Amy Hanauer releases the following statement:

"Nearly 50 years ago, Martin Luther King was murdered in Memphis, Tenn. by a racist white man. King travelled there to support the city's black sanitation workers in their strike protesting dangerous work conditions and unfair wages. It was part of King's Poor People's Campaign, which expanded the struggle for racial justice from desegregation and voting rights to economic security.

"There is nothing new about poverty," he wrote in his final book, "Where Do We Go from Here: Chaos or Community? "What is new, however, is that we now have the resources to get rid of it...Why should there be hunger and privation in any land, in any city, at any table, when man has the resources and the scientific know-how to provide all mankind with the basic necessities of life? There is no deficit in human resources, the deficit is in human will."

King knew the American dream would remain out of reach for black people until they could access decent housing, fair wages, safe working conditions, good schools and quality health care. He knew in many ways, the dream eluded white Americans living in poverty as well.

At Policy Matters Ohio, we try to honor King's legacy by insisting on policies that recognize the dignity of all people. This year, we face several big fights. Having just drastically cut taxes to benefit the wealthiest few, President Trump and Republicans in Congress now aim to slash funding for programs that broaden opportunity like Medicaid, food aid, college assistance, public education and more. Children of undocumented immigrants who know no other home, could face deportation after Trump scrapped a program that allowed them to come out of the shadows and contribute to society without fear.

In Ohio, GOP lawmakers are pushing so-called "right to work" laws that would weaken labor unions — the single most effective tool in protecting workers' rights, ensuring decent wages and shrinking workplace barriers for people of color and women. With the Trump administration's blessing, state policymakers are pursuing work requirements, premiums and co-pays that would make it harder for low-income Ohioans to access health care through Medicaid.

These are challenging times, but something powerful has broken free across Ohio and the United States. We see it in the thousands who marched in D.C. and locally last year; the endless calls to members of Congress in defense of the Affordable Care Act and the outcry of support for our immigrant neighbors. The human will for change is building. Join us as we strive to answer King's call and 'bend the arc of the moral universe towards justice."

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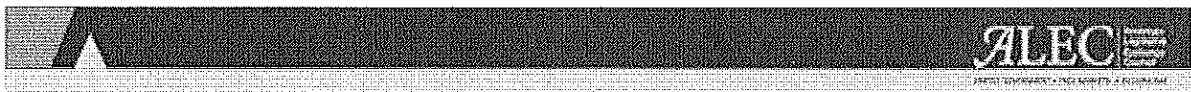


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Center for State Fiscal Reform - January 16, 2018

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From the Desk of Jonathan Williams

State leaders across our nation are commending Congress and President Trump for passing the first major federal tax reform in 31 years and delivering real relief to American taxpayers. Hardworking American families and businesses will now keep more of their own money and the economy will continue to benefit from new investment, job creation and higher wages.

There are complexities that will arise across the states depending on how each state tax code is linked to the federal code. However, this also presents an ideal opportunity to address state level tax reform needs. Roughly half of the states that tax personal income automatically adopt changes to the federal tax code as they are enacted, and the other half generally require deliberative legislative action to adopt federal changes.

We have already seen several governors and leaders address the need for state tax

reform this week. For instance, Iowa Governor Kim Reynolds discussed the importance of tackling tax reform so Iowans don't end up actually paying *more* in state taxes. We expect state reactions to federal tax reform will continue to be a major point of discussion as state legislative sessions ramp up in the coming weeks. I have included a Facebook Live video below where our team discusses how states are reacting to the federal tax changes.

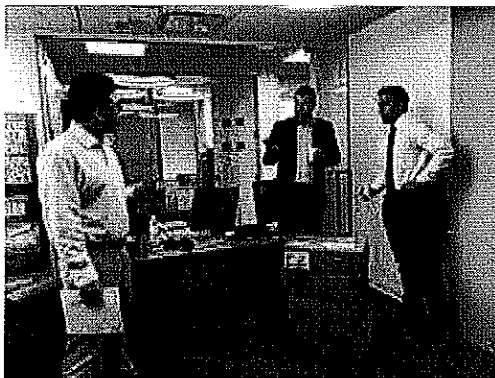
Please don't hesitate to reach out to us whenever the Center for State Fiscal Reform can be helpful during this exciting time for state tax reform.

All the best,

Jonathan Williams
ALEC Chief Economist
Vice President, Center for State Fiscal Reform
[@taxeconomist](#)

Hear From the Experts

Facebook Live: State Responses to Tax Reform



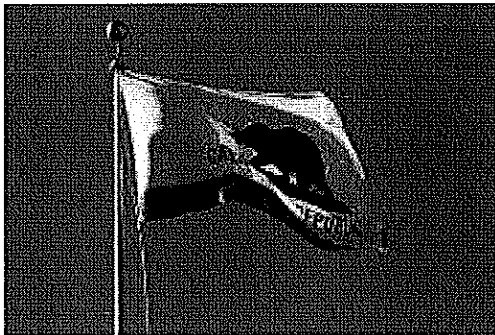
ALEC Tax Experts Jonathan Williams, Joel Griffith and Thurston Powers discuss how some states, such as New York and California, have responded to federal tax reform. If you missed the Facebook live event, you can still view the video on the ALEC Facebook page.

[Watch Video](#)

Expert Opinion

California's Legally Dubious Proposal to Bypass Tax Reform

Joel Griffith | Center for State Fiscal Reform | *The Hill*



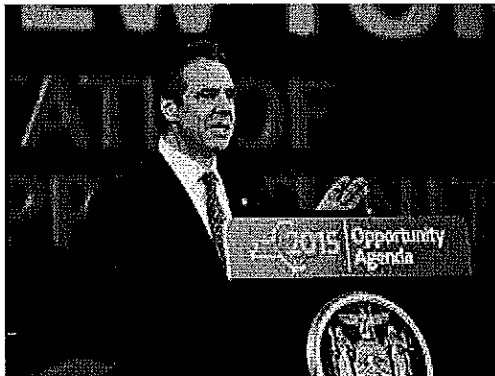
California State Senate Leader Kevin de León recently unveiled a legislative tax evasion scheme to thwart recently passed federal tax reform. Forcing hardworking Americans thousands of miles away to fund a large part of the California government amounts to taxation without representation. Here's how the scheme would work.

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State of the State Response: NY

Cuomo's High-Tax State Looks for Loopholes

Thurston Powers | Center for State Fiscal Reform



It's no surprise that Governor Andrew Cuomo used the phrase "economic civil war" more than a dozen times during his speech. After all, railing against the Trump administration serves as an excellent distraction from the policies weighing down one of the most powerful economic engines in the world.

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The Williams Report

Williams Report Holiday Update

Bob Williams | Senior Scholar, Center for State Fiscal Reform



Tax scholar Bob Williams highlights important articles dealing with the budget and pensions in the states that you may have missed over the holiday season.

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From: Staten, Beverly
Sent: Wednesday, January 17, 2018 2:08 PM
To: Rep88
Subject: Meeting Request for Tony Fiore regarding HB189 Cosmetology Reform

Good afternoon,

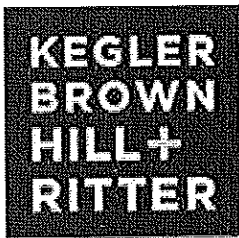
Tony would like to request a meeting with Representative Reineke to discuss HB 189 with the following interested parties:

Ohio Chamber
NFIB
Buckeye Institute

Could you give me a couple dates to work with and I will contact the other organizations?

Regards,

Beverly



Beverly Staten
Government Affairs Specialist

65 East State Street | Suite 1800 | Columbus, OH 43215
phone (614) 462-5400 ext. 264 | fax (614) 464-2634
bstaten@keglerbrown.com

www.keglerbrown.com

From: American Bail Coalition
Sent: Friday, January 19, 2018 6:16 PM
To: Rep88
CC: jclayton@americanbail.org
Subject: Buckeye Institute needs to go back to the drawing board on Bail Reform

 Outlook

Dear Representative Reineke,

As government stewards, elected officials, and stakeholders in the safety of the citizens of Ohio, I write to you today concerning the ongoing misinformation regarding bail reform.

You may have recently been given a copy of a report from the Buckeye Institute, entitled **"Money Bail" Making Ohio A More Dangerous Place to Live**. This report contains so many errors and incomplete information that, frankly, it should be discarded. Yet, we wanted to take an opportunity to counter some of the claims made in the report and set the bail reform debate into the proper context.

First, "money bail" is not making Ohio a more dangerous place to live. The bail system in Ohio is essentially the same one being run since statehood. The right to bail is enshrined in the Ohio constitution, and Judges have discretion to set the "type, amount, and conditions" of bail. This is also why 69% of judges in a recent National Judicial College Survey did not agree with the elimination of money bail from the system.

Second, what does the Buckeye Institute's new bail utopia cost? New Jersey's program, given as an example, will run out of money on July 1, 2018 unless the legislature completely overhauls the funding of that program. The costs to implement such a program were in excess of \$1 billion in California. Added to that, not only are there not savings, as both Administrative Judge Glenn Grant in New Jersey and the California Chief Justice concur, the costs of shifting away from monetary bail to risk assessments and supervision will largely not materialize and the cost the State and Counties millions of dollars.

Third, the litany of examples cited by the report as horrifying cases where someone was able to post bail begs the question as to what the Buckeye

Institute would do with such cases. Yet, the Ohio Constitution already covers this, giving the power to prosecutors to prove the danger or risk of flight and deny bail. The report suggests that somehow a risk assessment will fix the problem, yet the results of the assessment do not relieve a prosecutor of having to put up the proof necessary to achieve the result.

The report argues that several jurisdictions are seeing tremendous results due to bail reform, but this relies on the results generated by a private foundation that provides a free proprietary risk assessment tool and does its own evaluation of the results. It should come as no surprise that they think it works. **Instead, in sworn testimony, a national expert testified in federal court that the Lucas County, Ohio program has very high failure rates, including 47% of high risk cases. As a result of that testimony, the attorneys in the case concluded that Lucas County, Ohio had created a culture of "non-accountability" in its bail system.**

In San Francisco, the report issued there found that 27% of defendants did not show up under the risk assessment model. In New Jersey, the state has failed to release any numbers, and the report's citation to crime figures does not prove that bail reform has anything to do with that since New Jersey's prison population has declined every year for 15 years - and the population had been declining by double digits leading up to bail reform. Of course, New Jersey's algorithm is releasing prior felons in possession of firearms, counting them as low risk, similar to what is going on in New Mexico.

Risk assessments are indeed not a magic bullet, and there have been serious criticisms lodged against them which the Buckeye Institute report completely ignores. Researchers at New York University concluded: **"The use of such systems by public agencies raises serious due process concerns, and at a minimum they should be available for public auditing, testing, and review, and subject to accountability standards."** Former US Attorney General Eric Holder has also cautioned jurisdictions who using risk assessments saying they "may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and in our society." Several additional recent studies and experts have called into question the race and gender neutrality of such algorithms, and the jury is certainly still out on that question. Indeed the utter lack of transparency of such algorithms is of serious concern.

The Buckeye Institute decides to then demean the bail industry for helping persons exercise their right to bail in Ohio and provide accountability to the Courts. The report cites no statistics on the effectiveness of surety bail in Ohio. That's not to say that adjustments cannot be made, but national data as well as data in Ohio back up the fact that private bail is effective and efficient because it is typically a third-party benefit provided to the State and a defendant at no cost to the State.

Sadly, the Buckeye Institute has sunk to the level of citing newspaper articles as some proof of the key points it makes. It does such surface-level analysis that clearly the conclusion informed the selection of the "research" that is cited. For example, the fact that 57% of persons in jail are awaiting trial tells us nothing—how many of those persons are on a non-monetary hold? Or, what is their prior criminal history, and what would the risk assessment say about them based thereon? How many are there because their attorneys are advising them to take a time-served deal?

The Buckeye Institute needs to go back to the drawing board with its assessment of bail reform. Moving away from "money bail" has not proven to deliver on its promises. While adjustments to the system can always be made, putting our blind faith in "black-box" algorithms to fix the problem is not only unproven, it is simply naïve.

Sincerely,

Jeff Clayton
Executive Director
American Bail Coalition
(877) 958-6628

From: Gongwer News Service
Sent: Tuesday, January 23, 2018 6:10 PM
To: Rep88
Subject: Ohio Report, Tuesday, January 23, 2018
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**Volume #87, Report #15 -- Tuesday, January 23, 2018**

**Lawmakers Urged To Find Bipartisan Agreement On Redistricting Revamp;  
Sponsor Says Changes Afoot**

A key Ohio business group told legislators Tuesday that it could get behind a proposal to change how congressional districts are drawn in Ohio - as long as the plan has "strong" buy-in from both parties.

The sponsor of the proposal, meanwhile, said he wouldn't move forward with process changes without bipartisan support, and that several changes to reach that goal are already under consideration.

Keith Lake, vice president of government affairs for the Ohio Chamber of Commerce, told members of the Senate Government Oversight & Reform Committee reviewing the GOP's resolution (SJR 5) that his group prefers the approach taken in 2015, when a bipartisan agreement led to a General Assembly-backed ballot issue on legislative redistricting that was later approved by more than 70% of voters.

He noted the chamber had previously opposed two citizen-initiated constitutional amendments on the same subject, while the 2015 issue "was put on the ballot by overwhelming bipartisan majorities of the General Assembly and, most importantly, prevents one political party from controlling the process."

"The Ohio Chamber would prefer the congressional redistricting process be revised the same way - beginning with a proposal put on the ballot by the General Assembly after it has garnered support from strong bipartisan majorities," Mr. Lake said.

"While a step in the right direction, SJR5 is not yet that. Unfortunately, what we've observed up to this point is much criticism of SJR5 but not much in the way of constructive feedback. We urge everyone to work together to find a solution that does what our board urged in its 2012 resolution: develop 'an accountable, bipartisan approach that Ohio voters can rely on to produce effective reform and fair congressional districts.'"

Echoing opponents of the measure, Mr. Lake said it's important to revise the process appropriately because the current system "isn't working for Ohioans."

"It leads to diminished General Election competition and contributes to intensified partisanship and contentiousness, which turns off otherwise qualified potential public servants from pursuing office," he said.

Sen. Michael Skindell (D-Lakewood) said Democrats were ready to work on an agreeable plan, but Republicans have been reluctant to do so and instead rolled out a resolution without their input.

"We agree with you a measure needs to be bipartisan," he said.

Sen. Matt Huffman (R-Lima), the resolution sponsor, said he has "no intention of moving forward with a resolution out of the Senate...unless there is a change of Democratic support for it." He added that a one-sided plan would likely lose at the ballot anyway.

At that point in the committee hearing, the sponsor informed the audience that several changes were in the works, including making the commission's product a bill that must receive the governor's signature and be subject to a referendum. Taking the governor out of it was his idea, but people don't like it, he acknowledged.

In an interview before the hearing, Sen. Huffman said other changes under consideration would address several of the opponents' complaints with his package.

Those include "tightening language" on county splits and removing the provision dealing with one man, one vote requirements, he said. Altering the percentage of minority party buy-in on maps is also under consideration.

The sponsor said he plans more meetings with interested parties on the measure, which will not be voted out of committee Wednesday despite being slated for possible movement.

He hopes to resolve the differences over the next several days and have the resolution ready for a committee report next Tuesday, Sen. Huffman said. "I really think it's coming together."

Sen. Vernon Sykes (D-Akron) responded in committee to the sponsor's comments of the looming "substantial changes" by saying that Democrats would look closely at the totality of the plan and its expected results versus individual components.

"We are interested in addressing gerrymandering, not just changing how you do gerrymandering," he said.

Sen. Huffman responded, "We will work together on this and will come up with something good."

Mr. Lake's testimony stood out Tuesday as coming from an "interested party." All of the other witnesses, including representatives of a group that's already circulating petitions for a citizen-backed constitutional amendment - Fair Districts=Fair Elections - were listed as opponents.

Among them was Heather Taylor-Miesle, executive director of the Ohio Environmental Council, who said a more bipartisan approach is key to ultimately creating "fair, representative policies" on matters impacting the environment and other areas.

"Bipartisan solutions are more likely when voters select their elected officials and not the other way around, and keeping communities together gives voters leverage to demand action on the pollution going into the neighborhood creek or attention to the quality of their air," she said.

Ms. Taylor-Miesle raised several concerns with the approach laid out in the proposal at hand, including issues related to one person, one vote requirements, splitting of communities and the mapmaking process.

"The requirement under SJR5 to draw districts the exact same population size, with only a variance of plus or minus one person, basically negates any other criteria that could be followed," she said. The community splitting guidelines in the resolution are also problematic because they would be applied unevenly across the state.

Regarding the proposed mapmaking approval process, she added, saying at least 50% of the minority caucuses should be required.

"However, our bigger concern is the commission process outlined if the legislature fails to meet the deadline," Ms. Taylor-Miesle said, citing the ability to pass a four-year plan by a simple majority and then potentially turn it into a 10-year map.

OEC also raised concerns with the lack of a referendum option in the measure and its definition of "compact."

Sen. Huffman called the objections "meritorious arguments" but pointed to the varying sizes of cities and townships and asked if the preference would be to base on population. The witness said it was open to discussion on how to "get there" with the goal of ending up with bipartisan districts.

Asked about the group's objections to the judicial review aspect of the resolution, Ms. Taylor-Miesle said her group was looking for more clarity on language regarding Supreme Court review.

Chairman Sen. Bill Coley (R-Liberty Twp.) got into a debate over the Fair Districts proposal with one of several citizens who showed up to testify on their own behalf and express preference for the pending ballot initiative that supporters have said has already attracted some 200,000 signatures.

He asked Jane Cape, a Springfield resident, to explain the legal definition of "representational fairness" in the Fair District plan and how she would defend it in court.

After saying she was not a lawyer and wouldn't be in court under such a scenario, she replied that it was something that results in elections not being decided at the primary level.

As she continued to make her case, the chairman interjected that he had heard all of the "rhetoric" and "histrionics" over the matter, prompting a rebuke from Ms. Cape.

The result was applause from the audience and a subsequent gaveling from the chairman.

Another citizen, Wendy Dyer from Bellbrook, chastised the majority for presenting a plan that she said "legalizes gerrymandering" and was an attempt to get out ahead of and "circumvent" the public initiative.

Ann Henkener of the League of Women Voters of Ohio and a chief proponent of the Fair Districts=Fair Elections campaign, said the Huffman resolution "does nothing to rein in partisan gerrymandering and takes away an important right that voters in Ohio currently have - the right to referendum," while acknowledging the sponsor's prior statement that changes were in the works in that regard.

"Voters also have a right to fair representation and SJR5 perpetuates the ability of the majority party to draw districts designed to gain a disproportionate majority of seats for their party," she said in her prepared remarks. "I urge this Committee to reject this proposal and substitute a plan that will require bi-partisan support to adopt a redistricting plan, keep communities together, and not permit plans to be drawn to primarily favor or disfavor a political party."

Sen. Coley asked why, if the ability to referendum the map was so important, the ballot group didn't include it in their proposed constitutional amendment.

Ms. Henkener responded that the Fair Districts plan wouldn't result in a bill, and that as far as she knows no other state with a commission-based system allows for referendums.

The chairman also queried the LWVO representative on the definition of representational fairness.

She said it deals with the relation between the state's overall political leanings and the number of Congress members representing each party, or "keeping representation connected to the votes."

If 55% of Ohioans vote for Republicans, for instance, then the number of GOP representatives should reflect that split, she said.

Supporters of the citizen-backed ballot issue are not seeking a "concrete result," rather they are "looking for an opportunity" for both parties in the general election, Ms.

Henkener said. Under the current system, majority partisans "get an advantage that they really don't have with the electorate."

Sen. Coley said in response, "I don't think that's what your proposal does, but I appreciate" your aspirations.

All told, about 15 people testified or provided written comments in opposition to the proposal on Tuesday, with most largely reiterating objections aired previously by the Fair Districts group. (See Gongwer Ohio Report, January 22, 2018)

The House's version of the majority GOP's proposal, which Sen. Huffman said would follow along the lines of changes he is already considering, is slated to be discussed Wednesday in the chamber's Government Accountability & Oversight Committee.

**Subscribers Note:** Full testimony is available on the committee's website under Jan. 23.

### **Battle Lines Hold Firm On Right-To-Work, Prevailing Wage Proposals**

Sponsors of a slate of right-to-work and prevailing wage resolutions said Tuesday they're confident caucus leaders will exercise their "due diligence" when considering whether to move forward.

But they acknowledged that they have yet to formally poll the House Republican Caucus on where members stand regarding their six joint resolutions introduced last month. (See Gongwer Ohio Report, December 21, 2017)

A spokesman for House Speaker Cliff Rosenberger, meanwhile, reiterated that the Clarksville Republican is open to having the conversation even as Democrats and a top labor group continue blasting the proposals as "anti-worker."

"The speaker is open to having a caucus discussion about this issue, and he believes doing so is very important before any further decisions or determinations are made in regards to these proposals," spokesman Brad Miller said.

Speaking at a Statehouse press conference, Rep. Craig Riedel (R-Defiance) and Rep. John Becker (R-Union Twp.) said they've been encouraged by the speaker's open-mindedness thus far.

"We've spoken with Speaker Rosenberger and we're going to be bringing this up in caucus very soon," Rep. Riedel said. "Hopefully within the next week or two we'll have a caucus discussion over these issues, these resolutions."

If adopted by lawmakers - a three-fifths majority is required - the proposals would head to the 2020 ballot where sponsors said Ohioans of all political persuasions can weigh in to settle the matter once and for all.

"We're not ramrodding anything," Rep. Riedel said. "People are going to say we are, but we're not. Everybody is going to have a say in the matter and everybody will have the opportunity to vote on this."

Two of the resolutions would ban any laws, rules or agreements requiring public and private sector employees to join or pay union dues (HJR 7) and prohibit unions from representing non-members in employment matters (HJR 8).

The other four, which Rep. Becker deemed more "ancillary in nature," would: prevent public authorities from requiring prevailing rate of wages (HJR 9), forbid certain requirements or prohibitions regarding labor agreements in government contracts (HJR 10), subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative (HJR 11), and prohibit dues and other fees from being deducted from the payroll check of a public employee (HJR 12).

Unions and Democrats are already pushing back against the resolutions, saying Ohioans already voiced their opinions on the matter by repealing a 2011 law that limited collective bargaining for public employees (SB5, 129<sup>th</sup> General Assembly).

"Instead of restrictions to make working people poorer and less safe on the job, we should prioritize commonsense ideas that grow our economy and create good-paying jobs that give working families the opportunity to get ahead," Minority Leader Fred Strahorn (D-Dayton) said. "The Republican package of so-called 'right to work' legislation is wrong for working families and wrong for Ohio."

But Rep. Becker said there is "very little to almost nothing" in their new plans that overlaps with the contents of SB5 - an argument AFL-CIO President Tim Burga isn't buying. Mr. Burga said both SB5 and the current proposals are politically-motivated attempts to enact "anti-worker, anti-union" laws.

"You're picking a fight for political reasons at a time when Ohioans can least afford these sorts of unnecessary distractions," Mr. Burga said. "If they've not learned a lesson from SB5 I don't know what it's going to take to wake them up. But I am confident the General Assembly is not interested in introducing proposals that simply are going to take away workers' voices and drive down wages, which is what these things do when you look at them where they've been implemented in other states."

As far as driving down workers' wages, Rep. Riedel insists the opposite; he said his rationale behind the legislation is that it will assist the impoverished in his district by enabling them to keep more of their earnings.

"This is not an affront to unions, this is not an affront to collective bargaining," the sponsor said. "This is all about workers' rights and workers' freedom and being able to choose whether they want to be part of a union and worry about paying fair share fees."

Rep. Becker said that should the resolutions pass the General Assembly he's already envisioning a public campaign from opponents seeking to derail the ballot initiatives. He anticipates the campaign will play out like efforts to repeal the 2011 law.

"At least we'll know what to expect this time," Rep. Becker said.

We Are Ohio, a group that formed in 2011 to oppose SB5, issued a statement denouncing the resolutions as "the Dirty Half Dozen."

"Reps. Riedel and Becker are carrying water for out-of-state interests like the Koch brothers and the American Legislative Exchange Council," the group said. "There are no workers lining up behind these dangerous, divisive and disastrous ideas for Ohioans. Right to Work is wrong for Ohio. Don't trust it."

Rep. Becker said fellow Republicans have shared concerns that the proposals' potential place on the 2020 ballot might drive more Democratic voters to the polls in an important presidential election year.

Rep. Becker said he doesn't adhere to that line of thinking and instead believes Republicans will be more motivated to turn out to the polls compared to Democrats who are already typically mobilized for presidential elections.

Rep. Riedel added that the sponsors feel they need more time to educate the public on their propositions than they would have if they targeted the 2018 ballot.

But there is one concern that could have merit, Rep. Becker acknowledged, and that's whether the private sector right-to-work resolution flies in the face of federal employment law. In talking with the Legislative Service Commission, he said, the answer to that question has remained unresolved.

"Is it a violation of federal labor law?" Rep. Becker asked. "It could be. It's not clear whether it is or isn't."

### **Health Plans Raise Privacy Concerns With Claims Information Bill**

Health insurers and a patient advocacy group urged lawmakers Tuesday not to move forward with a proposal to give small employers access to certain health claims data, saying it could jeopardize employee privacy.

The groups testified against the bill (SB 227) before the Senate Insurance & Financial Institutions Committee.

The bill is designed to help small businesses make better decisions in buying insurance by giving them aggregate, de-identified information about claims made under their plans.

Miranda Motter, president and CEO of the Ohio Association of Health Plans, opposed the measure, saying it would require plans to disclose protected claims information to small employers.

The disclosures could allow employers to identify specific employees for whom the claims data relates, she said. The bill requires the disclosure of all potential catastrophic diagnoses and prognoses involving persons covered under the policy.

"Small employers with fully insured plans are generally not entitled to know about the medical diagnoses, prognoses, and treatment of employees, which is personal in nature, without the employee's consent and providing claims data to small employers raises privacy concerns for employees," she said.

Smaller employers are much more able to associate claims data with specific employees than large employers, Ms. Motter said.

Federal health privacy laws have strict requirements regarding when protected health information can be shared with employers, who are not directly regulated by HIPAA, she said.

"Given that employers are not directly subject to HIPAA, sharing health information with employers creates substantial privacy risks," she said. "In fact, these substantial risks are exactly why HIPAA created significant barriers to sharing PHI with employers."

Small group plans are also priced based on demographic factors, not claims data, meaning they don't need claims data in order to purchase and maintain coverage, Ms. Motter said.

OAHP is working with other stakeholder groups to develop policies aimed at reducing the cost of health care, and Ms. Motter urged the committee not to move forward with the bill yet.

Sen. Steve Wilson (R-Maineville) asked why the line between small and large employers was set at 50.

"The larger the employee group, the harder it becomes to re-identify, even in a de-identified way, the employee affected," Ms. Motter said.

Small employers could benefit from being able to compete directly against larger businesses in that market, Sen. Wilson said.

If health insurance costs are increasing, it's because the underlying cost of care is high, Ms. Motter said.

"Part of what our effort has been is if we're going to see insurance costs go down, we have to get at the underlying cost of health care," she said.



Holly Pendell, with the National Multiple Sclerosis Society, raised concerns that the bill would allow small businesses to identify employees with MS.

"Protecting against discrimination in employment and many other aspects of American life has been a core component of the education and understanding that the MS Society has promoted since our establishment," she said.

"I urge you to err on the side of the consumer today and of the protections given to them by law," she added. "We must not tip the balance away from comprehensive benefits and medical privacy protections and return to era where employees live in fear of being outed due to their medical diagnosis."

### **Senate Democrats Scrutinize SNAP Fraud Bill**

Democrats questioned a bill intended to reduce fraud in the food stamp program by requiring photos on benefit cards as the measure had its first hearing in the Senate Tuesday.

The sponsor of the bill (HB 50) told the Senate Health, Human Services & Medicaid Committee that it wouldn't reduce benefits, but would deter recipients from selling or trading cards.

Rep. Tim Schaffer (R-Lancaster) said the bill is designed to protect the integrity of the Supplemental Nutrition Assistance Program, deter trafficking in SNAP cards and preserve funds for those in need.

The bill stems from an audit of the SNAP program by State Auditor Dave Yost that found weaknesses. Those included excessive balances in accounts, unusual transactions, 36 deceased recipients and more than \$28.7 million in out-of-state spending.

The measure would require that photos be added to EBT SNAP cards, safeguarding benefits of those who are legally entitled to them and deterring and detecting crime where cards are sold or traded, Rep. Schaffer said.

"SNAP is an important safety net for those in Ohio who have fallen on rough times, and I believe that a vast majority of individuals enrolled in the program need the benefits," he said. "As lawmakers, we have a responsibility to assure program integrity."

The bill includes exemptions to the photo requirement for adults 60 and older, blind and disabled citizens, victims of domestic violence or people with a religious objection to being photographed.

Retailers would not be required to check the photo ID at check-out, nor would they be allowed to hinder or prevent anyone's purchase because of the photo ID. Retailers would be able to call a phone number to report suspected fraud.

The bill also includes an opt-in provision for any adults exempted from the photo requirement who wish to have a photo on their cards, and allows the Bureau of Motor Vehicles to share photos on file. Both of those provisions were added in committee in the House.

Sen. Edna Brown (D-Toledo) said she was confused about the need for the bill. She asked about the provision that would prevent clerks from interfering with transactions.

The sponsor said the presence of a photo would deter people from trading or selling the cards, and that it would make it easier for drug investigators who find stacks of EBT cards at drug houses.

"This is just another layer of security," he said. "Frankly, this is not going to be a cure-all bill to solve all fraud. But it'll be a big deterrent and it'll cut a big hole in the crime that's going on."

Sen. Brown asked why the presence of names on EBT cards doesn't deter sales or trading.

Rep. Schaffer said he believed photos would provide additional deterrents.

Sen. Brown said law enforcement officers can already track EBT cards back to their owners if they are found.

"If we want to try to curtail misuse of these cards, I'm willing to work with anyone who wants to curtail it, but putting a photo on it is not the way to do it," she said.

Sen. Charleta B. Tavares (D-Columbus) said the bill implies that people whose cards are found in the possession of drug dealers are involved in drugs or are selling them.

"That is not evidence that that person is involved in drugs," she said. "There are many cards that are stolen out of mailboxes. There are many drugs that are stolen out of purses, or out of cars. They're stolen or they're lost."

Rep. Schaffer said the vast majority of beneficiaries need the program, and he wouldn't support a bill that curtailed benefits to people who need help. The bill is designed to address the issue of fraud and ensure benefits are going to the right people, he said.

Sen. Tavares said many retail grocers are moving away from clerks and toward self-serve kiosks, where nobody will look at cards.

"How do you justify continuing when movement is to do away with clerks in our retail chains?" she asked.

The sponsor said clerks don't have a role unless they suspect fraud.

"It's a lot about deterrent," he said.

### **Telecom Update Would Drive Investment, Industry Group Says**

The Ohio Telecom Association and its members on Tuesday told a panel of lawmakers that Ohio is overdue for a comprehensive update of telecom laws.

Their testimony, delivered before the House Public Utilities Committee, centered on a bill (HB 402) from Rep. Brian Hill (R-Zanesville) that aims to boost the competitiveness of local telephone providers. (See Gongwer Ohio Report, November 13, 2017)

The bill's major change would enable carriers to pursue from the Public Utilities Commission of Ohio rate increases of \$1.25 a month or 20% depending on which is higher. Currently, those providers in competitive areas can seek increases of only \$1.25 a month.

OTA President Charles Moses described the sector as a "dynamic industry that continues to change every day" - a description spelled out in a 2017 study released by the group that prompted the bill. (See Gongwer Ohio Report, October 20, 2017)

"In this type of environment, it is hard for laws and regulations to keep up," Mr. Moses said. "Traditionally, Ohio has been a leader in progressive telecom policy. However, it has been eight years since the last major update to Ohio's telecommunications laws took place."

The Ohio Consumers' Counsel, however, has already called for the bill to be rejected, arguing it would "favor telephone companies against the interest of Ohio consumers, including by allowing 20% annual increases for basic phone service."

The proponents, in turn, argued that companies are incentivized not to raise rates too high because customers will simply seek out other service providers.

"No one is interested in losing customers," OTA General Counsel Scott Elisar told lawmakers.

Rep. John Rogers (D-Mentor-on-the-Lake) questioned how much this might cost consumers. Mr. Elisar provided a few specific companies as examples, saying on average it would amount to a few dollars a year.

Mr. Elisar called the bill "an effort to update old laws, modernize state policy, and level the playing field for all providers in response to explosive competition we've seen in the past decade."

The OTA suggested the bill would: provide additional pricing and regulatory flexibility, mirror Ohio law with federal guidelines, and "clean-up" items from the prior legislative overhaul (SB 162, 128th General Assembly).

Specific policy updates included in the bill, according to Mr. Elisar, include:

- Updating the state's policy statement to recognize emergence of competition and market forces.
- Expanding 911 immunity to include corporate parents and affiliates.
- Eliminating treble damages remedy against telephone companies while ensuring telephone companies remain liable for actual damages.
- Providing that no provision of the bill affects existing contractual obligations or rights under federal law or rules.

Josh Motzer, public policy director for CenturyLink, said the bill will provide a "pathway for future technology investments here in the state."

And Bruce Mottern, chairman of the Rural Broadband Association, said it's critical to eliminate competitive advantages among certain carriers. The bill, he said, would clear regulatory burdens from rural providers in order to better meet customer demands.

In addition to the \$1.25 or 20% increase, Mr. Mottern said, the bill will enable small local exchange companies to increase rates by any amount necessary to meet federal benchmarks. In that case, the PUCO could enact a three-year phase-in to lessen consumer impact, he said.

"This flexibility allows companies to manage their businesses based on operational, financial and competitive needs," he said. "There are plenty of alternative voice service providers in Ohio; the last thing a company wants to do is lose a valued customer."

### **Groups Call For More Specificity On Bail Assessment Tools**

A bill designed to drastically overhaul the bail system in Ohio needs more work, members of the House Criminal Justice Committee were told Tuesday.

Representatives from the ACLU of Ohio and the Office of the Ohio Public Defender suggested several changes to the legislation (HB 439) requiring the Criminal Sentencing Commission to create a list of validated risk-assessment tools to be used by courts across the state in making decisions on bail.

But Niki Clum, legislative liaison for OPD, said not all risk-assessment tools are created equal.

She said Lucas County's use of the "Arnold Tool" has doubled the number of individuals released without monetary bail while also reducing pretrial crime and the number of individuals who fail to appear in court.

"Under the current language of the bill, the Sentencing Commission is not required to examine the risk-assessment tools and determine which are best," Ms. Clum said. "They are only required to provide a list of those that are validated. OPD is concerned that some risk assessment tools may contain implicitly biased questions that result in disproportionate outcomes based on race, ethnicity or gender."

Ms. Clum also called for the bill to require courts to set the least restrictive bail conditions and use monetary bail as a last resort.

Gary Daniels, chief lobbyist for the ACLU of Ohio, echoed those sentiments. He also called for the measure to eliminate monetary bail for all misdemeanor charges and some felony charges and for requiring the collection of race-based data.

"By tracking race of the accused, stakeholders can help determine where in Ohio, and by how much, Ohio's bail system and the changes HB439 creates, affects people of color," he said. "Flaws can also then be addressed and successes can be expanded. Collecting race data throughout Ohio's justice system is already severely lacking. With HB439, we can make progress in one aspect."

But Ms. Clum and Mr. Daniels said that, minus any changes, the bill is still an improvement over the current system. Both testified as interested parties.

Daniel Dew, legal fellow at the Buckeye Institute, warned in interested party testimony that the \$2 billion per year bail bond industry will likely push back against the bill.

"How pretrial detention decisions are made is left to the state," he said. "The goal of a pretrial system should be to release as many defendants as safely as possible before trial, and for defendants to show up for court."

Rep. Bill Seitz (R-Cincinnati) questioned how much an ability to pay should be weighed in bail decisions.

Mr. Dew said that is just one factor to be taken into consideration. He said under current law, courts will set an extremely high bail for individuals deemed to be dangerous with the hope that they cannot pay.

"Not only does this make it more fair, it takes judges and prosecutors out of the position of asking for a \$2 million bail knowing somebody isn't going to make it," he said.

Rep. Seitz also questioned how effective the risk-assessment tools are in lowering failure to appear rates.

Mr. Dew said in every study he has read the rate has been the same or lower.

Sara Andrews, director of the Criminal Sentencing Commission, said the bill reflects the recommendations of an Ad Hoc Committee on Bail and Pretrial Services that was formed in 2016.

"Those recommendations are designed to be holistic and focus on achieving consistency, fairness and efficiency in the pretrial system while decreasing the reliance on monetary bail," she said in proponent testimony. "As such, the use of a validated risk assessment instrument to inform release or detain decisions - realizing that bond should be 'risk' based and not 'charge' based - is recommended. The use of a risk assessment tool is one more resource a judge can use to inform decisions and ensure equity in all steps of the bail-setting process."

Rep. Seitz raised several concerns with the bill, including what he called an "impenetrable black box" in the form of the "Arnold Tool" used in Lucas County.

Ms. Andrew said that may have been the case at one time, but that has since changed. "I believe that it is more accessible and publicly available," she said.

The panel also received proponent testimony from FreedomWorks and the American Conservative Union Foundation.

Patrick Plein, a policy analyst at the ACUF's Center for Criminal Justice Reform, said studies have found that the likelihood of being rearrested or recidivating increases when an individual is held in pretrial confinement.

"The impact of this worrisome trend goes far beyond any one defendant," he wrote. "Anything that encourages recidivism means another crime, which is another victim, another prosecution, and another cost to be borne by the public. The current system in Ohio does just that. As a result, Ohioans are paying more in taxes for less public safety, because of the current approach to bail."

Parma Municipal Court Judge Kenneth Spanagel also provided written interested party testimony in which he urged the panel to move the bill.

### **ECOT Appeals Closure, Says Founder Will Waive Fees To Prevent Budget Shortfall**

The Electronic Classroom of Tomorrow is appealing the decision that shut it down, saying it could remain fiscally stable through the end of the school year by no longer paying management and learning platform fees.

The e-school's sponsor, Educational Service Center of Lake Erie West, voted last week to suspend operations of the school amid financial concerns.

ECOT is strapped for cash because it's repaying the state for \$80 million in overpayments tied to attendance audit findings, which are being disputed in a lawsuit pending before the Ohio Supreme Court.

In its latest appeal, ECOT said its founder Bill Lager, who owns the management company and learning platform used by the school, has agreed to forgo payment for the

rest of the year to allow the school to reopen and finish out the academic year in the black.

Also part of the deal is continued monthly repayments to the state and an agreement that an interim master could be appointed by a court to oversee ECOT operations through the end of the school year.

"This is truly the best option for the thousands of ECOT families who have been grappling with this devastating news that their school would be closing its doors mid-year," ECOT spokesman Neil Clark said. "This plan effectively gives supervision of the school to a court-appointed master to ensure the school continues out its mission for a few more months while we wait for a favorable response from the Ohio Supreme Court."

Mr. Clark also took a shot at the Department of Education, which rejected a similar deal immediately prior to the sponsor's vote to shut down the school last week. That proposal also promised that ECOT wouldn't file any future lawsuits against the agency regarding attendance audits.

"Bill Lager suspending his fees through June shows another attempt to keep ECOT alive. It is unfathomable that the powers at be at ODE and the Governor's office aren't protecting ECOT students and families," he said.

ODE Spokeswoman Brittany Halpin defended the agency's handling of the situation, saying that it has attempted to work with ECOT for the last two years to resolve issues related to overpayment and full-time attendance audits.

It has become clear in that time, she said, the school and its backers have never intended to accurately report student participation, which determines funding.

A hearing officer this week confirmed the latest audit report findings that show the school over reported the number of full-time students again last school year. The State Board of Education is expected to vote to approve that report, which cites \$20 million in overpayments, at its February meeting.

"Based on their actions, the department has no confidence that ECOT intends to follow the law. We're disappointed that ECOT and its for-profit vendors, IQ Innovations and Altair Learning Management, continue to prioritize their monetary gain over the best interests of 12,000 students," Ms. Halpin said in a statement.

However, lawmakers on Tuesday also called on the state to step in to keep ECOT open until June, giving students and teachers time to evaluate their options for moving on to a new school next year.

They stressed that every day the school is closed, 12,000 students - including more than 2,200 seniors who were on track to graduate this spring - are falling farther behind in their schooling.

"It would be ideal if we could finish the school year," Rep. Andy Thompson (R-Marietta) said during a Statehouse news conference.

Rep. Andy Brenner (R-Powell), chairman of the House Education and Career Readiness Committee, said there's also concerns about ECOT teachers who will have difficulty finding work mid-year.

Like Mr. Clark, he said ODE could have prevented the midyear closure of the school by setting up a different repayment plan.

"While it's not the department's responsibility to close the school but that of the school sponsor, the department created the environment that caused the school to close midyear," Rep. Brenner said. "This is not to say that ECOT wasn't responsible for their actions, but the midyear closing could have been mitigated or prevented."

Rep. Brenner said he's working on legislation that would "prevent this from happening again."

The potential bills could prohibit the department from setting retroactive rules and require it to use forensic accounting and other options for determining whether students were active in learning opportunities when log-in records can't be produced, he said.

He said he'd also like to ensure that schools don't close in the middle of the year and ODE has firm plans in place to assist displaced students and teachers when schools do shut down.

"Every day that they're not in school is another day that they're not able to learn and be able to go and potentially this graduate...or go on to the next school year," Rep. Brenner said of currently displaced ECOT students.

ECOT Assistant Principal Laura Beth McNamara said the school could resume operations immediately if the sponsor accepts the deal brought forward Tuesday.

"The student accounts are still there, most of them still have their equipment. We haven't had a chance to gather up 12,000 computers yet," she said.

She and the Ohio Christian Alliance have reached out to Gov. John Kasich and asked him to intervene and press the sponsor and ODE to consider options to keep ECOT open for the remainder of the school year.

"There is a way forward," OCA President Chris Long said before delivering his letter to the governor's office.

The governor told reporters last week that it wouldn't be appropriate for him to advise ODE on how to respond to the situation.



The superintendent of public instruction, who leads the agency, is not in the governor's cabinet and is instead hired by the State Board of Education to serve independently of the administration.

"It is up to them to manage this, to have a situation where if the sponsor pulls (its support)...that they're prepared to be able to absorb these students," Gov. Kasich said at the time. "We've told them that on a regular basis without getting in the middle of negotiations. We don't believe it's our job to do that. It's not appropriate."

### **High Court Sides With Arrestee In Dispute Over Purse Search**

The Ohio Supreme Court on Tuesday ruled the warrantless search of a woman's purse was unconstitutional.

Writing for the majority, Justice Bill O'Neill found that the search, which turned up drugs, was not justifiable.

The case stems from the 2014 arrest of Jamie Banks-Harvey in Warren County after she was stopped by an Ohio State Highway Patrol officer and was found to have outstanding warrants on drug charges out of Montgomery County, the high court's media arm reported.

After she was detained and placed in a cruiser, the patrolman removed her purse from the vehicle she was driving, searched it and found drugs. Ms. Banks-Harvey was charged with felony possession of drugs and misdemeanor possession of drug paraphernalia.

She pleaded no contest to both charges after an unsuccessful attempt to suppress the evidence. She was sentenced to three years community control.

She appealed the trial court's decision not to suppress the evidence to the Twelfth District Court of Appeals, which upheld the ruling on the grounds that the OSHP has a policy of inventorying the belongings of an arrested person.

But Justice O'Neill found that both courts erred in their decisions.

"The question in this case is not whether the purse was taken from the car pursuant to a standardized law-enforcement policy, but whether such a policy was sufficient justification for the warrantless retrieval of the purse from the car," he wrote. "We conclude that it was not and therefore that the subsequent search of the purse did not qualify as a valid inventory search, because the purse had not lawfully come into the custody of the police."

He was joined in his decision by Justice Judith French and Justice Patrick Fischer. Justice Sharon Kennedy concurred in judgement only.

In her written opinion, Justice Kennedy noted that a local police officer showed up at the scene to take Ms. Banks-Harvey into custody.

"Even when a standardized procedure or policy permits an inventory search of an arrested person's effects incident to incarceration, it is unreasonable, within the context of the Fourth Amendment, for a law-enforcement officer to execute that inventory search when he is not taking the arrested person to a station house for booking and incarceration," she wrote.

"Moreover, it is unreasonable, within the context of the Fourth Amendment, for a law-enforcement procedure or policy to give an officer discretionary authority to take personal effects that are not in an arrestee's possession at the time of arrest and are safely secured be retrieved and taken to the station house, where they will be subject to an inventory search."

In a dissenting opinion joined by Chief Justice Maureen O'Connor, Justice Patrick DeWine found the search to be lawful.

"Here, despite the attempts to cast aspersions on the trooper's motivation, there is no evidence that the trooper's primary purpose was other than to secure the purse so that it could accompany Banks-Harvey to the station," he wrote. "That he was also on the lookout for illegal items does not render the inventory search unreasonable."

Justice Terrence O'Donnell also dissented, finding the case was improvidently allowed, saying "the Ohio State Highway Patrol policy is not in evidence, the case is factually specific, and no general rule of law can be formulated from its resolution."

### **Ohio Business: P&G Reports Sales Increase; Banks Report Year-End Financial Results...**

Procter & Gamble saw net sales of \$17.4 billion in the second quarter, up by 3% from the previous year.

Organic sales were integral in the gain, increasing by 2% in the quarter ended Dec. 31, P&G reported. Diluted net earnings for all sales were \$0.83, a decline of 68% compared to the prior year due to a divestiture gain in the base period and a current period net income tax charge related to a federal tax package.

Operating cash flow was \$3.7 billion for the quarter, while adjusted free cash flow productivity was 91%, the Cincinnati-based company said. It returned \$3.6 billion of cash to shareholders via \$1.8 billion of dividend payments and \$1.8 billion of common stock repurchase.

"We accelerated organic sales growth and delivered strong productivity cost savings and cash flow," Chairman, President and CEO David Taylor said in a statement. "We remain on track to achieve our fiscal year objectives."

**Huntington:** The Columbus-based company saw a 67% increase in net income, which came in at \$1.2 billion for 2017. Earnings per common share for the year were \$1, up 43% from the prior year.

Return on average assets for year ended Dec. 31 was 1.17%, while return on average tangible common equity was 15.7%, the bank reported. Total revenue increased 22% compared to the previous year.

The results exclude about \$152 million pretax of FirstMerit acquisition-related expenses, or \$0.09 per common share after tax, and an estimated tax benefit of \$123 million, or \$0.11 per common share, related to federal tax reforms enacted in December.

"We achieved our long-term financial goals for Return on Tangible Common Equity and Efficiency Ratio on a GAAP basis for the first time," chairman, president and CEO Steve Steinour said of the final quarter of the year. "In fact, during the fourth quarter, we achieved all five of our long-term financial goals. In addition, we recently began the strategic planning process that later this year will yield new long-term financial goals for the company."

**Community Investors Bancorp:** The parent company of First Federal Community Bank of Bucyrus reported net earnings of \$561,000, or \$0.71 per share for the second half of 2017. The total represents a 45.3% increase from the same period in 2016.

Total assets as of Dec. 31 were \$145 million, which is an increase of \$1.6 million from June 30, the company announced. Meanwhile, investments increased by \$500,000 and the allowance for loan loss increased by \$135,000.

**First Financial:** For the three months ended Dec. 31, the company reported net income of \$24.8 million, or \$0.40 per common share, which is unchanged from the previous quarter.

Return on average assets for the fourth quarter was 1.13% while return on average tangible common equity was 13.85%.

In 2017, the company had earnings per diluted share of \$1.56 compared to \$1.43 for 2016, it reported.

**Peoples Bancorp:** The company posted a record full-year net income of \$38.5 million, or \$2.10 per diluted share. In the fourth quarter, the company reported net income of \$9 million, or \$0.49 per share.

"Earnings per diluted common share for the full year of 2017 were positively impacted by \$0.10 due to gains on sales of bank equity investment securities, and negatively impacted by \$0.02 due to non-core charges and \$0.05 due to the recently enacted Tax Cuts and Jobs Act," according to a company release.

**Arts Award:** Heartland Bank and the J.M. Smucker Company are set to be recognized at the 2018 Arts Day & Governor's Awards for the Arts in Ohio ceremony in May.

They're among nine winners of the governor's awards for supporting the arts. Heartland Bank is to be recognized in the category of small businesses that support the arts and Smucker's will take home the award as a large company that supports the arts.

"The 2018 Governor's Awards winners are true innovators and leaders in their communities. They exemplify Ohio's creative and forward-thinking spirit. On behalf of the Ohio Arts Council, I congratulate this year's group of individuals, organizations, and businesses on earning our state's most prestigious artistic and cultural achievement," said Donna S. Collins, executive director of the Ohio Arts Council.

### **Gongwer Unveils Text Alerts for Bill Tracking, Breaking News, Other Messages**

Gongwer News Service today launched new services that allow subscribers to receive bill tracking alerts, breaking news updates and other key Gongwer products via text message.

To activate text alerts, subscribers should log in to their accounts, click on their name in the banner and select Update Profile. Next, enter your mobile number and carrier, and select the alerts and messages you want to receive via text. Once your preferences have been set, click the Update button at the bottom of the box.

The system allows subscribers to request text notifications regarding the publication of the Gongwer *Ohio Report*, breaking news updates, media clips and legislative floor reports. Subscribers can also request real-time bill tracking alerts or a daily summary of activities on all bills that are being tracked.

Alert preferences can be changed at any time.

Due to limitations on the size of text messages, all text-based alerts will include a summary of the message received and a link to the full content of the message.

The new services are available to subscribers at no additional cost.

All Gongwer accounts include access to the leading bill tracking system that offers real-time alerts on legislation of interest. Subscribers can track by bill number, keyword, sponsor and Revised Code section and can also receive alerts based on legislative activity, committee scheduling and subject area. All bill tracking features, which include customizable bill status reports that can be shared with members and clients, are available on Gongwer's Bill Tracking page.

For questions about Gongwer bill tracking services, contact Gongwer at [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com) or 614.221.1992.

## **Governor's Appointments**

**State Speech and Hearing Professionals Board:** Lisa A. Froehlich, PhD of Lebanon for a term beginning January 23, 2018, and ending March 22, 2020.

**State Board of Cosmetology:** Jessica Price-Kovach of Galloway for a term beginning January 23, 2018, and ending October 31, 2021.

**Cuyahoga Community College Board of Trustees:** Andrew E. Randall of Cleveland for a term beginning January 23, 2018, and ending October 12, 2022.

## **Supplemental Event Planner**

### **Wednesday, January 24**

Rep. Scott Lipps (R-Franklin) and Rep. Thomas West (D-Canton) and Ohio Pharmacists' Association news conference on prescription drug legislation, Press Briefing Rm., Statehouse, Columbus, 11:30 a.m.

### **Thursday, February 15**

Kevin Bacon (R-Candidate 12th Congressional District) fundraiser, Onda, Labuhn, Rankin & Boggs, 35 N. Fourth St., Suite 100, Columbus, 5 p.m., (RSVP to [laura.bates.oh@gmail.com](mailto:laura.bates.oh@gmail.com) or 586.610.1040)

### **Wednesday, February 21**

Ohio Alliance of Boys & Girls Clubs' Statehouse Reception, Statehouse Atrium, Columbus, 4:30 p.m.

Rep. Richard Brown (D-Canal Winchester) fundraiser, Club 185, 185 E. Livingston Ave., Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Citizens for Richard Brown. RSVP with Jenna Gravalis at 551-427-9895 or [jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))

### **Thursday, February 22**

Kevin Bacon (R-Candidate 12th Congressional District) fundraiser, Medallion Club, 5000 Club Dr., Westerville, 6:30 p.m., (RSVP to [laura.bates.oh@gmail.com](mailto:laura.bates.oh@gmail.com) or 586.610.1040)

### **Tuesday, February 27**

Rep. Glenn Holmes (D-McDonald) fundraiser, Westies Gastropub, 940 S. Front Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Committee to Elect Glenn Holmes. RSVP with Jenna Gravalis at 551-427-9895 or [jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))

### **Wednesday, February 28**

Ohio Farm Bureau Ag Day at the Capital, Sheraton Hotel, 75 E. State Street, Columbus, 9 a.m.

### **Wednesday, March 7**

Rep. Michael Sheehy (D-Oregon) & Rep. Michael O'Brien (D-Warren) fundraiser, Club 185, 185 E. Livingston Ave., Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$350 to Committee to

**Elect Michael Sheehy and Committee to Elect Michael O'Brien. RSVP with Jenna Gravalis at 551-427-9895 or [jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org)**

**Tuesday, March 13**

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**House Minority Leader Fred Strahorn (D-Dayton) fundraiser, The Walrus, 143 E. Main St., Columbus, 5 p.m., (Sponsor \$2,500, Host \$1,000, Guest \$500, Friend \$350 to Committee to Elect Fred Strahorn. RSVP with Amy Katrak at 614-420-1269 or [akatrak@ohiodems.org](mailto:akatrak@ohiodems.org))**

**Wednesday, March 21**

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**Rep. Tavia Galonski (D-Akron) fundraiser, Westies Gastropub, 940 S. Front Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Friends of Tavia Galonski. RSVP with Jenna Gravalis at 551-427-9895 or [jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))**

**Wednesday, April 11**

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**Rep. Bernadine Kent (D-Columbus) fundraiser, Einstein Bros. Bagels, 41 S. High Street, Columbus, 8 a.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Kent for Ohio. RSVP with Jenna Gravalis at 551-427-9895 or [jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))**

**Tuesday, May 15**

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**Rep. John Rogers (D-Mentor-on-the-Lake) & Rep. John Patterson (D-Jefferson) fundraiser, Club 185, 185 E. Livingston Ave., Columbus, 5:30 p.m., (Sponsor Levels: Sponsor \$1,000, Host \$500, Friend \$350 to Friends of Rogers and Committee to Elect John Patterson. RSVP with Jenna Gravalis at 551-429-9895 or [jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))**

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**Click the  after a bill number to create a saved search and email alert for that bill.**

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## House Activity for Tuesday, January 23, 2018

### INTRODUCED AND REFERRED

**HB 478** ■ **WIRELESS SERVICES (Smith, R., LaTourette, S.)** To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way. Am. 4939.01, 4939.02, 4939.03, 4939.031, 4939.035, 4939.038, 4939.0311, 4939.0313, 4939.0315, 4939.0319, 4939.0321, 4939.0325, 4939.04, and 4939.08; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4939.035 (4939.036), 4939.038 (4939.037), 4939.039 (4939.038), 4939.0313 (4939.0312), 4939.0315 (4939.0313), 4939.0317 (4939.0315), 4939.0319 (4939.0316), 4939.0325 (4939.0322), and 4939.0327 (4939.0323) and to enact new sections 4939.039 and 4939.0317 and sections 4939.0314, 4939.0329, and 4939.09, and to repeal sections 4939.032, 4939.033, and 4939.037  
Government Accountability & Oversight  
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### INTRODUCED

**HB 473** ■ **LOCAL FUNDING (Young, R.)** To credit additional amounts to the Local Government Fund to provide for payment to fire districts that experienced a 30% or more decrease in the taxable value of power plants located in the districts between 2016 and 2017 and to increase the appropriation to the Local Government Fund. Am. 5747.50 of the Revised Code and to amend Section 387.10 of Am. Sub. H.B. 49 of the 132nd General Assembly

**HB 474** ■ **LICENSE PLATE (Antani, N.)** To create the "Trees 4 Ohio" license plate. Am. 4501.21 and to enact section 4503.941

**HB 475** ■ **SKATEBOARDING (West, T.)** To prohibit a person riding a skateboard or the operator of a vehicle from attaching the skateboard or the rider to the vehicle and to name this act the "Dallas Swogger Act." Am. 4511.54

**HB 476** ■ **ORGAN DONATIONS (Koehler, K.)** To require the Registrar of Motor Vehicles and each Deputy Registrar to ask each person renewing a motor vehicle registration if that person wants to make a voluntary contribution to

the Second Chance Trust Fund. Am. 2108.34, to enact section 4501.027, and to repeal sections 4506.081, 4507.231, and 4507.501

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**HB 477** ■ **SCHOOL OPERATIONS** (Koehler, K.) To eliminate various provisions and programs related to the Department of Education and the operation of primary and secondary schools. Am. 109.57, 2917.46, 3301.133, 3302.26, 3313.71, and 3313.753 and to repeal sections 3301.073, 3301.0722, 3301.111, 3301.21, 3301.25, 3301.86, 3301.88, 3301.95, 3301.96, 3302.037, 3302.30, 3311.061, 3313.206, and 3313.711

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**CALENDAR FOR COMING SESSION**

**HB 172** ■ **MEDICAL RECORDS** (Schuring, K.) To modify the laws governing access to a patient's medical records.  
Wednesday, January 24

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**HB 250** ■ **ELECTRIC BICYCLES** (Brinkman, T.) To establish requirements for the use of electric bicycles.  
Wednesday, January 24

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**HB 332** ■ **ANATOMICAL GIFTS** (Antani, N.) Regarding anatomical gifts, transplantation, and discrimination on the basis of disability.  
Wednesday, January 24

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**SCR 8** ■ **MISSILE DEFENSE** (O'Brien, S., Eklund, J.) A resolution to urge the United States Missile Defense Agency to select Camp Ravenna Joint Military Training Center in Ravenna, Ohio, as the preferred site for a future east coast Missile Defense system.  
Wednesday, January 24

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**RE-REFERRED**

**HB 58** ■ **CURSIVE HANDWRITING** (Brenner, A., Slaby, M.) To require instruction in cursive handwriting.  
**Higher Education & Workforce Development**


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**REFERRED**




## Armed Services, Veterans Affairs & Homeland Security:

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**SB 81**  **FIREARMS (Terhar, L.)** To waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans, to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience, to permit a licensee to renew a concealed handgun license at any time before the expiration of the license, and to require the Attorney General to monitor the number of license fees waived and cap the total amount allowed to be waived at \$1.5 million.


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**HB 468**  **MILITARY LEAVE (Perales, R., Boyd, J.)** To grant full-time state employees paid leave for the purpose of attending medical examinations and appointments provided through the United States Department of Veterans Affairs.

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## Energy & Natural Resources:


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**HB 463**  **WASTE FEES (LaTourette, S.)** To increase one of the state fees levied on the transfer or disposal of solid waste in Ohio, the proceeds of which are deposited into the Soil and Water Conservation District Assistance Fund, and to make an appropriation.


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## Government Accountability & Oversight:


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**HB 466**  **ELECTIONS CYBERSECURITY (Clyde, K.)** To establish a Director of Elections Cybersecurity and an Elections Cybersecurity Council to advise the Secretary of State on securing Ohio's elections and preventing future threats.

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**HB 467**  **ELECTION PROCEDURES (Clyde, K.)** To require the boards of elections to conduct audits of election results and, beginning in 2019, to use only voting equipment that produces voter marked and voter verified paper ballots.

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**HB 469**  **TAX CREDIT (Schuring, K., Patton, T.)** To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects.

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**HB 471** ■ **OFCC AUTHORITY (Gonzales, A.)** To specify that the Ohio Facilities Construction Commission's powers do not extend to letting or administering contracts that fall under the power of the Department of Administrative Services to make changes to existing facilities.

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## **Health:**

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**SB 28** ■ **ABORTION (Uecker, J.)** Regarding final disposition of fetal remains from surgical abortions.

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**HB 464** ■ **STROKE PATIENTS (Lipps, S., Antonio, N.)** To provide for recognition of stroke centers and establishment of protocols for assessment, treatment, and transport to hospitals of stroke patients.

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**HB 465** ■ **MEDICAID DRUG BENEFITS (Lipps, S., Koehler, K.)** To provide for the prescribed drugs benefit to be delivered under the Medicaid program through the fee-for-service system.

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## **State & Local Government:**

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**HB 470** ■ **LIGHTING FUNDS (Edwards, J.)** To authorize a property tax levy specifically to fund lighting for roads and public places.

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## **Transportation & Public Safety:**

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**HB 472** ■ **ROAD NAMING (Cera, J.)** To designate a portion of State Route 164 in the Village of Bergholz as the "Pvt. David Rhoades Memorial Highway."

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## **HOUSE SPEAKER'S APPOINTMENTS**

Energy and Natural Resources Committee: Remove Rep. Vitale, effective January 22, 2018.

## COMMITTEE HEARINGS

### Finance

**HB 281** **BROADBAND EXPANSION (Carfagna, R.)** To establish the residential broadband expansion program within the Development Services Agency to award matching grants for last mile broadband expansion in municipal corporations and townships and to make an appropriation. **(REPORTED-SUBSTITUTE (No testimony); 5th Hearing-All testimony-Possible substitute & vote)**

The bill was reported following the acceptance of a substitute version that included a handful of substantive changes along with other updates that sponsor **Rep. Rick Carfagna** (R-Westerville) described as dealing mostly with "semantics" and cleanup language to avoid redundancies. He said the Legislative Service Commission **Comparison Document** on the sub bill covers those changes as well as a series of amendments accepted at the committee's last hearing.

As explained by the sponsor, the more significant changes incorporated Tuesday include:

- Allowing local governments that decide to fill funding gaps on their own to avoid seeking county approval.
- The creation of a "challenge process" for requests-for-proposals with a five-day period for providers to question guidelines.
- Language dealing with the treatment of proposals that allow for the redaction of "trade secrets."
- Providing for alternative payment terms rather than mandating that providers do not get fully paid until the projects are completed.
- Removal of regulations of rates and pricing.
- Clarifying that providers are responsible for upkeep upon completion of the infrastructure.
- Clarifying that the assessments provided for in the legislation only apply to specific broadband projects.

Mr. Carfagna told the panel that 55 interested parties have been kept informed throughout the process of the more recent changes and there were no objections raised regarding the sub bill. "We're doing our best to keep people abreast of what we're trying to accomplish here," he said.

In answering questions from the panel, the sponsor said: the bill contains adequate protections regarding assessments and the process of determining unserved areas; and the substitute's elimination of language specifying monthly usage and "roundtrip latency" standards was aimed at avoiding any "micromanaging" of service providers.

The sponsor said in an interview that the bill provides for the Development Services Agency to use \$2 million every biennium from unencumbered funds, language that required the bill's approval by the Finance Committee.

Among members present for the vote, only **Rep. Jim Butler** (R-Oakwood) and **Rep. Mark Romanchuk** (R-Mansfield) were opposed to the report.

The latter lawmaker in an interview cited a 10-megabyte download standard, saying he didn't want to be paying for "old technology" and noting that satellite providers already exceed such speeds.

## **Financial Institutions, Housing & Urban Development**

**HB 182** **DEBT ADJUSTING** (Seitz, B.) Regarding debt adjusting. (**REPORTED**; 5th Hearing-All testimony-Possible vote)

Before the bill was reported, Betty Montgomery, an attorney representing the American Fair Credit Council, told the panel that it will not allow for the unauthorized practice of law.

"Case law - both within this state and at the United States Supreme Court - has given us some direction when trying to determine whether or not certain behaviors constitute the practice of law," the former attorney general said.

Ms. Montgomery said the legislation will allow debt settlement companies to operate in Ohio the same way non-profit credit counseling agencies have for decades - with no objection from the bar, she added.

"This bill provides an opportunity for both clarity and fairness: Should this bill pass and the industry begins engaging with business in Ohio, it undoubtedly will be challenged once again," she said. "The industry will then have an opportunity to have full hearings, presenting persuasive evidence and argument to the Ohio Supreme Court, the proper forum for clarification regarding whether or not the debt settlement industry is engaged in the unauthorized practice of law."

The bill was reported in an 8-5 vote, with Rep. Jim Hughes (R-Columbus) joining Democrats on the panel in opposition.

**HB 386** **CREDIT FREEZES** (Henne, M., Kelly, B.) To modify the fees that a credit reporting agency can charge in relation to a credit report freeze.

(**CONTINUED** (No testimony); 4th Hearing-All testimony)

**HB 390** **FORCIBLE ENTRY** (Merrin, D.) To clarify how to calculate certain timelines under which a forcible entry and detainer action must occur. (**CONTINUED**; 4th Hearing-All testimony)

Dan Acton, government affairs director of the Ohio Real Estate Investors Association, said the measure is intended to standardize eviction laws throughout the state based on previous court rulings.

The legislation, he added, is needed because the calculation of days varies by county.

"Our investor members sometimes own property in multiple counties and the idea of attempting to interpret local laws for a legal action that should be consistent across the state is a recipe for failure and can lead to more complications for all parties involved," he said.

Under the measure, for the purposes of eviction, calendar days would be counted instead of business days.

"In any other contract related to a property whether it is for utility services, taxes paid, mortgages, or insurance, the service provider, or the government counts calendar days. The calculation of days for eviction should not be any different," he said.

**HB 432** **STUDENT LOANS (Boggs, K., Kelly, B.)** To require student loan servicers to be licensed by the Division of Financial Institutions and to create the position of student loan ombudsperson in the Division of Financial Institutions to provide assistance to student loan borrowers. H. B. No. 433 - Representatives Kelly, Brinkman. (**CONTINUED**; 1st Hearing-Sponsor)

**Rep. Kristin Boggs** (D-Columbus) said in sponsor testimony that student loan borrowers rarely have the opportunity to vet the company servicing their student loans.

"They are thrust into this relationship with a company that they did not necessarily agree to do business with, so the purpose of this bill is to prevent unscrupulous student loan servicing companies from taking advantage of student borrowers by misapplying payments or misrepresenting their practices," she said.

In addition to creating a student loan ombudsperson within the Department of Commerce, the bill would enhance oversight of student loan servicers operating in the state.

Fellow sponsoring **Rep. Brigid Kelly** (D-Cincinnati) said 11 other states have taken similar steps.

"We believe this bill will ensure student loan borrowers and their families receive levels of services and protection that are standard for other financial contracts, but not currently guaranteed under federal law for student loan servicers," she said.

"Notably, this legislation does not require banks or credit unions to obtain a license because similar federal regulations for these companies already exists. Our goal is to make the playing field even across the board, and make sure that Ohioans get the same level of services and protections regardless of who is servicing their student loans."

Asked by chairman **Rep. Jonathan Dever** (R-Cincinnati) about DOC's position on the bill, Rep. Boggs said those discussion have yet to take place.

**Subscriber's Note:** For full written testimony, see the [committee's website](#) under Jan. 23. **Energy & Natural Resources**

**HB 393** **BRINE SALES (DeVitis, T., O'Brien, M.)** To authorize a person to sell brine derived from an oil and gas operation that is processed as a commodity for use in surface application in deicing, dust suppression, and other applications. (**CONTINUED-AMENDED**; 3rd Hearing-All testimony-Possible vote)

**Rep. Jay Edwards** (R-Nelsonville) won support for an amendment that requires the collection of samples, rather than making the collection optional. The change, he said, is expected to move the Ohio Environmental Council from an opponent to an interested party. Melanie Houston of the Ohio Environmental Council Action Fund followed that action with interested party testimony. She said the amendment represents a big step, but the group is still concerned about metals and radioactive materials.

She said the group supports the goal of recycling oil and gas brine outside of injection, but raised concerns that it doesn't include a process that ensures protection of public health, safety and the environment.

To earn the group's support, she said lawmakers would either need to require satisfactory test results regarding radiological materials and heavy metals or establish a regular testing protocol by a lab equipped for those tests.

"We understand that this is a tall order," she said. "We understand that the company is a small business owner in northeast Ohio with a product that works well to treat ice and snow on our roads, and we appreciate the need for safe car travel throughout the state. We understand that there are competing public health priorities and that de-icing roads is essential to keep our communities safe and functioning throughout the winter months."

"The OEC Action Fund understands that you also may prioritize the public safety goal of adding another deicing product to the market over the public safety goal of minimizing radiological and heavy metal content that is brought to the surface through resource extraction."

She also called on lawmakers to have the manufacturer demonstrate that the product is safe and is not radioactive.

"While we have heard about the efficacy of the product to treat ice and snow, we have not yet seen the lab analyses to demonstrate that there are not NORM or heavy metals present in the product," Ms. Houston added.

**Rep. Dick Stein** (R-Norwalk) asked whether the group is opposed to the current use of the product on some roads across the state.

Ms. Houston acknowledged that the product is being used, but said the authorization came from a divisional order rather than the enactment of law. She said passage of a bill could lead to much wider use, including sales for personal use.

**Rep. David Leland** (D-Columbus) asked how long the product has been in use in Ohio.

Ms. Houston said it dates to about 2004, when an order was issued by the chief of the Division of Oil & Gas. She told Mr. Leland she does not have any data about the condition of soil near where the product has been used, but said DNR may have that information.

Bill Rish of ToxStrategies lent support for the bill, telling the panel that Nature's Own and Duck Creek Energy asked him to consider whether the use of AquaSalina for deicing roads present significant ecological or health risks.

He said his research has shown that the product will not create unacceptable ecological or human health risks and has impacts that are much lower than the use of rock salt.

"I found that laboratory data demonstrate that the use of AquaSalina will not result in exceeding Ohio surface water criteria for protection of aquatic species or protection for agricultural use of surface water for any of the substances present in the product," he said. "I also found that laboratory data for the content of AquaSalina, when compared to my published study, show that AquaSalina will not result in risk to drinking water, even if an adult or child drinks from a shallow well near the location that AquaSalina is applied. In fact, I expect that this drinking water pathway is unlikely to exist."

That process included a review of third-party and independent certification agencies, as well as academic institutions and the Pennsylvania Department of Environmental Protection, he said, adding that the Pennsylvania-style brine has much higher radiological levels than AquaSalina.

Responding to questions, Mr. Rish said studies have shown that even a person who would be most exposed to the product from all potential channels would likely only reach 1/100<sup>th</sup> of a what would be considered a maximum acceptable level.

Rebecca Clutter of NARO Appalachia in written testimony questioned whether the panel has considered mineral owners as part of the debate on the bill, noting that the state itself is a large-scale mineral owner.

"On the surface, this issue is about a single corporation seeking to use recycled brine for use in road applications," she said. "The bigger issue is that the filtered brine kicks back Rare Earth Elements (RRE) from privately owned mineral sources. Specifically we are seeing a high degree of interest regarding Lithium filtered from not only brine, but from coal ponds as well."

"The responsibility to protect private property rights regarding mineral assets inclusive of REE's belongs to all of you," she said. "Our ask is that should brine be listed as a commodity, that it also be looked at from the perspective of how the mineral owner, including the State of Ohio, would be properly compensated and that discussions on this include mineral owners and not simply those tied to industry."

Adam Rissien of the Ohio Sierra Club offered written opponent testimony, saying the bill could lead to the contamination of rivers, streams and lakes.

He said the bill includes language that shows an intent to make brine waste safe for commercial use, but doesn't include direction that could prevent environmental- or health-related issues.

Mr. Rissien said the Ohio Department of Transportation doesn't have testing protocols or a process to ensure the safety of brine waste products, and isn't the right agency to protect natural resources or health.

Processed brine can continue to include heavy materials and radiologicals that could create unnecessary environmental risks, and said the bill doesn't include anything that ensures the safety of processed brine, he wrote. He also raised concerns about provisions that he said "egregiously" limit the authority of state officials to establish rules or additional requirements regarding the substance.

Robbin Rogers of Medina County Together also submitted written opponent testimony. She said the oil and gas industry has worked to block environmental and health protections. "Today you have an opportunity to take one step-not even a bold step against the fossil fuel industry-but an important step nonetheless," she said. "And it involves supporting a legislature that bucked the national trend and implemented changes to regulations concerning transporting, dispersing, and labeling of products originating or manufactured from fossil fuel brine."

**HB 422** **WATER SEWER ACQUISITIONS (Ginter, T., Rogers, J.)** To govern acquisitions of municipal water-works and sewage disposal system companies by certain larger nonmunicipal water-works or sewage disposal system companies. (**CONTINUED**; 3rd Hearing-All testimony)

Daniel Shields, director of the analytical services department at the Ohio Consumers' Counsel, presented written opponent testimony.

"This concern includes that the bill would undermine the long-time protection of ratemaking statutes that Ohio utility consumers should not pay rates based on more than the original cost of acquiring utility plant (assets)," he said. "The use of original cost for ratemaking is fair

to utilities and to consumers, but the bill would redefine original cost in a way that can lead to higher rates for consumers."

**Subscribers please note:** Testimony is available on the [committee's website](#) under January 23.

## **Ways & Means**

**HB 186** **HIGHER EDUCATION EXPENSES (Rogers, J., Scherer, G.)** To enact the "Blair Deduction" to allow an individual obtaining a post-secondary degree or credential from an eligible educational institution to claim an income tax deduction for qualified higher education expenses. (**CONTINUED**; 2nd Hearing-Proponent)

"The provision granting deductions for credentials earned by students will put money back in the pockets of Ohioans," said Daniel Palmer, chief justice of Wright State University's Student Government Association and executive director of the Ohio Student Government Association.

Mr. Palmer said he is concerned about how college students will be claimed as dependents and brought New Jersey's "Dependents Attending Colleges Exemption" to the committee's attention.

He recommended the committee consider including a similar exemption into the bill, which would grant taxpayers a \$1,000 flat deduction that pays at least one half of the "tuition and maintenance costs for a dependent full-time student under age 22," if certain requirements are met.

Mr. Palmer said the exemption saved New Jersey taxpayers \$10.5 million in 2017.

Rep. Blessing asked how this proposal could reduce costs in the long run for college students. If Ohio invests in this matter, the state's institutions will become more marketable which will pay off in the long run, Mr. Palmer said.

Morris W. Beverage Jr., president of Lakeland Community College said in written testimony that the proposal offers relief to Ohio graduates.

"The proposal to adjust the taxable income of recent graduates relative to their out of pocket Qualified Higher Education Expenses is a welcome consideration that recognizes the value of a student and family's investment in education and training, recognizing their struggles, and recognizing their desire to increase their ability to participate in and contribute to workforces and economic development in our state," Mr. Beverage said in testimony.

In written testimony, Dave Wiles, president of CT Consultants, said the bill could help the company compete by expanding its base with high quality graduates in Ohio.

"I strongly believe that any incentive that can enhance the benefits of a post-secondary education, including any financial assistance to help graduates with their responsibilities towards repayment of their school loans, is not only good for our local, state and federal governments, but it is in the student's best interests towards becoming independent and responsible tax-paying citizens," Edward Brown, CFO and owner of the Brown Aveda Institutes, Casal Aveda Institute, and Ladies and Gentlemen Salon and Spas, said in written testimony.



**HB 337** **COLLEGE TEXTBOOKS (Duffey, M.)** To exempt from sales and use tax textbooks purchased by post-secondary students. (CONTINUED; 3rd Hearing-All testimony)

"Eliminating the sales tax on textbooks will make the cost of obtaining a higher education more affordable, obtainable, and prove to be beneficial to the hundreds and thousands of students in Ohio," James Curtis, a student at Wright State University told the committee. According to the College Board, the annual cost of books and materials for students is \$1,168 and this cost is expected to grow if the textbook inflation rate continues, Mr. Curtis said.

Numerous polls have revealed the negative impact financial burdens, including rising textbook prices, can have on education, he explained.

**Rep. Louis Blessing** (R-Cincinnati) asked if the lower sales tax would raise demand and therefore the price of textbooks, resulting a situation where textbook prices remain high. Mr. Curtis replied that if demand increases, supply would follow.

Mr. Curtis told **Rep. Michael Henne** (R-Clayton) that increasing the use of online materials and encouraging faculty to be lenient on which editions of textbooks are required would also help to ease the financial burden of textbooks for students.

Mr. Curtis told **Rep. Craig Riedel** (R-Defiance) that the exemption would not apply to high schools that buy textbooks for College Credit Plus programs.

**Rep. Tim Schaffer** (R-Lancaster) asked if any student groups had appealed to publishers of these textbooks to inquire about the rising costs. There have been many initiatives and petitions to try to reach the publishers to little or no effect, Mr. Curtis replied.

In October, the Ohio Faculty Council voted on a resolution which established a set of approaches to reduce textbook costs for students in the state of Ohio, Dan Krane professor of biological sciences at Wright State University and chair of the Ohio Faculty Council, told the committee.

If fully implemented, the proposal would result in a savings of \$300 million annually, Mr. Krane said.

Many states already exempt textbook sales from their sales tax, giving those states a competitive advantage when trying to recruit students, he said.

Mr. Krane said he does not believe implementing a sales tax exemption would lead faculty members to choose textbooks that are not exempt for reasons regarding profit.

He told Rep. Blessing it is hard to tell how high the cost of textbooks would be if the states mentioned had not implemented sales tax exemptions. However, the sales tax exemption is third on the faculty council's list of initiatives to lower textbook costs and other proposals may be more impactful.

Mr. Krane said he is concerned about Ohio being at a competitive disadvantage to other state institutions for recruitment purposes, not necessarily for cross-border tax avoidance strategies.

He told Rep. Merrin that the exemption applies to any book required by a collegiate course syllabus in the state of Ohio. For companies like Amazon, there would need to be a mechanism to exempt the sales tax, he added.

LSC noted that if a student purchases a book online, the bill requires the student to provide the company with their address, the title of the academic course, name and address of the institution and the student's university identification card number, among other information.

**(LSC Analysis)**

**Rep. Derek Merrin** (R-Monclova Twp.) asked how it would be determined if a book is a required textbook. LSC noted that the bill restricts the exemption to books assigned by a course syllabus.

**Rep. Bill Patmon** (D-Cleveland) asked how the bill would work to help students over time, assuming textbook price inflation continues.

Governor Kasich inspired the faculty council's set of proposals to ease the financial burden on college students, Mr. Krane said.

"The textbook industry is a broken business model," Mr. Krane told the committee. To address the situation involving publishers and used booksellers, the faculty council recommends an "inclusive access" strategy, which calls for institutions to negotiate the price of books with publishers rather than leaving this to the students, he explained.

Rep. Patmon said he is concerned that there is no mechanism to prevent the increasing price inflation. Mr. Krane said he does not believe the sales tax exemption will fully address the problem, but the "inclusive access" provision of the faculty council's approach could.

Rep. Schaffer asked if the professor knew who benefits from the increasing textbook costs. Members of university faculty are not the leading beneficiaries, Mr. Krane explained as the author of a textbook himself. The publishers and the used booksellers are the "culprits," he added.

In response to Rep. Merrin's statement that professors have a tremendous power in choosing the latest and most expensive edition of textbooks, Mr. Krane replied that in the interest of academic freedom he does not believe this right should be infringed upon. However, as a professor he has experienced the games publishers play by only including online access codes on the latest editions, which contain necessary tools for the course, Mr. Krane added.

The faculty council is working diligently to find an incentive to encourage faculty to develop alternatives to expensive books, he told the committee.

Rep. Schaffer asked if there are anti-trust concerns in situations where faculty may ban together with publishers. Mr. Krane said it would be more likely to see this from the academic institutions. Nonetheless, the inclusive access strategy has been successful in Indiana and publishers have been open to the method, he explained.

**HB 351**

**MILITARY TAX EXEMPTION (Perales, R., Butler, J.)** To require municipal corporations to exempt from taxation the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service. **(CONTINUED; 3rd Hearing-All testimony)**

On behalf of the Ohio Council of Chapters Military Officers Association, Colonel John McCoy said in written testimony that the proposal to delete the terms "armed forces" and replace it with "uniformed services" from the code would have no fiscal impact to the state.

The change would extend benefits to Public Health Services and the Commissioned Corps of the National Oceanic and Atmospheric Administration which support other military services,

are subject to deployments, and react to national emergencies among other duties, Mr. McCoy said in testimony.

**Subscriber's Note:** Full testimonies are available on the [committee website](#) under Jan. 23.

## **Economic Development, Commerce & Labor**

**HB 392** **APIARY DAMAGES** (**Stein, D.**) To grant specified apiary owners immunity in personal injury or property damage cases. (**REPORTED (No testimony)**; 5th Hearing-All testimony-Possible vote)

**Rep. Brigid Kelly** (D-Cincinnati) and **Rep. Alicia Reece** (D-Cincinnati) voted against the measure.

**HB 433** **VETERINARY EDUCATION** (**Kelly, B., Brinkman, T.**) To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Kelly (D-Cincinnati) said her bill is a common sense approach to enable veterinarians in Ohio to earn continuing education credit by performing free spaying and neutering services at a county humane society, dog pound or nonprofit.

For every hour spent providing these services, veterinarians would receive one-half hour credit of continuing education towards the annual requirement, she explained. Participating veterinarians could receive up to two hours of credit per renewal.

The goal of the bill is to responsibly curb the issue of pet overpopulation, Rep. Kelly said. The Humane Society of the United States successfully lobbied for similar bill in the state of New York in 2016, she added.

Rep. Kelly told **Rep. Michele Lepore-Hagan** (D-Youngstown) that the bill would not change the number of hours required for continuing education, rather it provides veterinarians the option to apply time spent volunteering to the credits.

Rep. Lepore-Hagan inquired if there was a need for the incentive. Co-Sponsor **Rep. Tom Brinkman** (R-Cincinnati) said the goal of the bill is to address the problem of overpopulated animal shelters while providing veterinarians with an incentive to volunteer their time rather than fulfilling their continuing education credits at a luxurious conference.

Many veterinarians are already donating their time to provide free spaying and neutering services, Rep. Kelly told the committee. This bill provides a practical incentive to continue to do so.

**HB 444** **FOOD OPERATION FEES** (**Sweeney, M.**) To require a seasonal food service operation license fee to be one-half of the license fee for a food service operation that is not a seasonal food service operation. (**CONTINUED**; 1st Hearing-Sponsor)

**Rep. Martin Sweeney** (D-Cleveland) said his bill will allow for a separate food license for half of the year, in addition to the standard year-long operation license to accommodate seasonal food businesses.